

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 556 of 2003

Indore, this the 11th day of January, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Jayanti Prasad Pathak, (J.P. Pathak),
aged about 49 yrs. S/o. Shri Ramashan-
ram Pathak, Senior Deisel Mechanic,
Bank Note Press, Dewas, R/o. 4, Vivek
Nagar, Dewas (MP).

... Applicant

(By Advocate - None)

V e r s u s

1. The Union of India, through
the Joint Secretary, to the
Minister of Finance, Economic
Works Department, New Delhi.

2. The General Manager,
Bank Note Press, Dewas (MP).

3. The Deputy General Manager,
Bank Note Press, Dewas (MP).

... Respondents

(By Advocate - Shri Umesh Gajankush)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has
claimed the following main relief :

"i) to quash the order dt. 31.3.1998 (Annexure A-6)
and order dt. 6.5.2000 (Annexure A-8) and order dt.
28.5.2003 (Annexure A-10) passed by the respondents."

2. The brief facts of the case are that the applicant is
working as Senior Diesel Mechanic in Electric Workship Section
of Bank Note Press, Dewas. He applied for LTC for session
1990-91 on 4.12.1992. He was granted LTC advance of Rs.
3,820/- which was sanctioned by the respondents. The applicant
after returning from the journey on 26.12.1992 had submitted
his claim on 22.1.1993. On 14.3.1993 he came to know that due
to the mistake of his some some mistake in LTC claim has
occurred and hence, he immediately applied for its correction.

After more than 3 years from the date of application dated

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14.3.1993, the respondent No. 3 issued a memo dated 1.8.1996 alongwith the charge sheet proposing an enquiry under Rule 14 of the CCS(CCA) Rules, 1965. He submitted his reply and submitted that he has not taken any undue advantage or wrongful gain. The enquiry was conducted and on 27.5.1997 the enquiry officer submitted the enquiry report. As per the enquiry officer's report the applicant has not caused any wrong or illegalities. It cannot be said that the conduct of the applicant was dishonest as the alleged mistake was rectified by submitting an application dated 14.3.1993. But vide impugned order dated 31.3.1998 the penalty of reduction of increment from the pay of the applicant for 3 years 3 months from 1.3.1998 with cumulative effect was imposed on the applicant. He preferred an appeal against it but was dismissed vide order dated 6.5.2000 (Annexure A-8). Thereafter, the applicant filed an Original Application No. 348/2001, which was disposed of by the Tribunal vide order dated 20.3.2003 with a direction to the respondents to dispose of the pending revision petition of the applicant. By impugned order dated 23.5.2003, the revision petition was also dismissed by the respondents. Hence, this Original Application is filed by the applicant.

3. None is present for the applicant. Since it is an old case of 2003, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. The learned counsel for the respondents argued that the charge sheet was issued against the applicant for submission of false Home Town LTC Claim as he actually travelled in second class and submitted his claim for 1st class. During scrutiny of the final claim a doubt arose about the genuineness of the claim. Then the matter was referred to the Railway authorities. The Railway authorities confirmed that the ticket numbers

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submitted by the applicant were pertaining to second class. Due opportunity of hearing was given to the applicant and the enquiry officer has not submitted any report in favour of the applicant. In the enquiry report Annexure A-5 dated 27.5.1997 it is clearly mentioned that it cannot be denied that no fault was committed and the applicant has sought apology for this fault. Hence, the enquiry officer has submitted his report giving a sympathetical consideration to the applicant. It also cannot be denied that the charge against the applicant was not proved. It is not a case of no evidence and also the charge against the applicant is serious as he has submitted false LTC claim, which caused financial loss to the Government and also adversely reflects about the integrity of the employee. All the impugned orders are passed by the authorities after considering all the facts and circumstances of the case of the applicant and these orders are speaking and reasoned orders. Hence, this OA is liable to be dismissed.

5. After hearing the learned counsel for the parties and on careful perusal of the records and pleadings, we find that the applicant has himself admitted that on 14.3.1993 when he came to know about the mistake in the LTC claim he immediately applied for correction in the same. He further states that this mistake was occurred due to the mistake of his son. We have perused the enquiry report dated 27.5.1997 (Annexure A-5) in which the enquiry officer has clearly mentioned that the applicant has committed fault and he has sought apology and also stated that his case be considered sympathetically. The applicant cannot take shelter or ground with the contention that this mistake was committed due to the fault of his son because the claim of the LTC is of financial matter and the applicant must have verified himself before submitting the claim to the authorities. Thus, the charge against the applicant

is proved. This is not a case of no evidence. The charge against the applicant is serious as he has submitted false LTC claim, which caused financial loss to the Government and also adversely reflects about the integrity of the employee. Due opportunity of hearing was given to the applicant as he preferred appeal against the order of the disciplinary authority and also preferred revision petition against the order of the appellate authority. We have perused the impugned orders dated 31.3.1998 (Annexure A-6) passed by the disciplinary authority, 6.5.2000 (Annexure A-8) passed by the appellate authority and 26.5.2003 (Annexure A-10) passed by the revisional authority. All these orders are very speaking, detailed and reasoned orders. So far as the quantum of punishment is concerned, it does not seem to be harsh at all. It is a settled legal proposition that the courts/Tribunals cannot reappraise the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the courts/Tribunals.

6. Considering all the facts and circumstances of the case, we are of the opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

प्रांकन सं. ओ/लॉ
परिविधि वा/वा) नियम अदलपुर, दि
"SA" (1) रायब, अदलपुर व्यापार वाद प्रतिवाद, अदलपुर
(2) अदलपुर दी/श्रीमती/ई/ के काउन्सल J.P. Patank, Bhopal
(3) प्रत्यर्थी दी/श्रीमती/ई/ के काउन्सल C. Gopal Singh, Bhopal
(4) वायपाल, कोपाल, अदलपुर व्यायामी सूचना एवं आवश्यक कार्यवाही हेतु D.V. Patel, Bhopal
उप रजिस्ट्रार

Issued
on 19.1.05
By