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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, INDORE

O.A.NO.474/2000

Friday, this the 21st day of February, 03

Hon'ble Shri Justice N.N. Singh, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Smt. Asha David Ohol
W/o Ohol David John, LDC
Military College of Telecom. Engg. MHOW (MP)
T-1/4/A, Cookary Line, MCTE MHOW (MP)

(None for applicant)

..Applicant

Versus


1. Union of India through
The Secretary, Govt. of India
Ministry of Defence
New Delhi
2. The Director General of Signals (Sigs-4(c)
General Staff Branch
Army Head Quarters
DHQ, PO, New Delhi
3. The Commandant
Military College of Telecom.
Engg. MHOW (MP)

(By Advocate: Shri Vivek Saran)

..Respondents

ORDER (ORAL)

Shri Govindan S. Tampi:

 We have heard Shri Vivek Saran, learned counsel appearing for the respondents. None has appeared on behalf of the applicant even on the second

call. Accordingly, we proceed to dispose of the present OA in terms of Rule 15 of C.A.T. (Procedure) Rules, 1987.

2. The applicant, who was working as LDC in the Organisation of respondent No.3, had been charge-sheeted in terms of Rule 14 of CCS (CCA) Rules, 19655 for unauthorised absence of 14 days from 30.3.1999 to 14.4.1999. The charge-sheet also indicated that she was a habitual absentee, who was not improved in spite of earlier directions and proceedings. At the culmination of the inquiry proceedings and on perusal of the inquiry report along with her representation, the disciplinary authority imposed on her the penalty of withholding of two increments and directed that the period of her absence of 14 days be treated as dies non. The applicant in her detailed OA indicates that the procedure adopted by the respondents in this case was faulty and that the applicant had not been given adequate facilities to explain her case. The respondents were prejudice against her and had penalised her in an arbitrary manner.
3. Shri Vivek Saran, learned counsel for respondents, however, contested the charges. He stated that the proceedings undertaken by the Department were based on facts and have been gone through correctly. Nothing irregular has been committed by the disciplinary authority and, therefore, no interference of the Tribunal was warranted.
4. Having considered the facts and circumstances brought out on record, we are fully convinced that the respondents have gone the proceedings in a proper



and regular manner and no infirmities had been committed. The orders are found to have been passed only after considering all the circumstances. The penalty of withholding of two increments and treating the period of absence as dies non, does not, in the circumstances, appear to be harsh or unconscionable as to shock the judicial conscience.

5. The applicant has not, in our view, established any case for our interference. The OA, therefore, fails and is accordingly dismissed.

(Govindan S. Tampi)
Member (A)
/sunil/

(N.N. Singh)
Vice Chairman (J)

पृष्ठान्त सं ओ/न्या.....जयलपुर, दि.....

परिचालित करने वाला:-

(1) सचिव, जयलपुर नगर पंचायत, जयलपुर

(2) उपायुक्त, जयलपुर नगर पंचायत, जयलपुर

(3) उपायुक्त, जयलपुर नगर पंचायत, जयलपुर

(4) उपायुक्त, जयलपुर नगर पंचायत, जयलपुर

रूचना एवं आवश्यक कार्यवाही हेतु

उप सचिव
2/3/03

1st Section - 1st 4 gnd.
V. Section - 1st 4 gnd.

Issued
on 6.3.03
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