

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 13th Day of September 2018)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Original Application No.1019 of 2008
(U/S 19, Administrative Tribunal Act, 1985)

Ravindra Singh son of late Veer Pal Singh, Resident of Village and
Post Bichhwan, District Mainpuri.

..... Applicant

By Advocate: Shri Arvind Srivastava

Versus

1. Union of India through Secretary, Ministry of Communication, Sansad Marg, New Delhi.
2. Director, Postal Service Bareilly Zone, District Bareilly.
3. Senior Superintendent of Post Office, Divisional Office Muradabad, District Muradabad.
4. Senior Superintendent of Post Office, Muradabad Division, Muradabad.
5. The Sub Divisional Magistrate, Bhogaon, District Mainpuri.
6. The Tehsildar, Bhogaon, District Mainpuri.

..... Respondents

By Advocate: Shri S. Srivastava

ORDER

Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member (Judicial)

1. The applicant prays for the following reliefs :-

"(i) *The Hon'ble Court may be pleased to set aside the impugned order of appeal dated 03.06.2008 and further set aside the order passed by disciplinary authority dated 19/25.4.2001 and enquiry report dated 28.03.2001 being perverse.*

- (ii) *The Hon'ble Court may be pleased to direct the respondents to reinstate the applicant in service with all consequential benefits with pay protection.*
- (iii) *Any other order as may be deemed necessary under the facts and circumstances of the case.*
- (iv) *To award cost to the applicant".*

2. Applicant Ravindra Singh case is that he has been in Postal Service of the Central Government (respondent NO.2) since 1992. That one Darshan Lal working as Cashier at Amroha Post Office, District Jyotiba Phule Nagar got open fake account of saving Bank in the same Post Office in the name of Vijai Pal Singh (A/c No. 533688), Suresh Pal (Account No. 533689), Amar Pal (A/c No. 533719) and Sukhveer Singh (A/c No. 533725) on different dates showing himself to be the attesting witness. That Darshan Lal managed to make fake credit of money in the aforementioned saving accounts in the original ledger card and thereafter started withdrawing money from the said accounts. That applicant at the relevant time was working as Cashier-cum-Counter Clerk along with Bari Singh and Siya Ram in the same Branch as Cashier-cum-Counter Clerk.

3. Applicant's further case is that Darshan Lal on 2.7.1998 presented a withdrawal form for Rs. 45 thousand bearing signature of Vijai Pal Singh of Account No. 533688 before the applicant. On finding the signature of Vijai Pal Singh to be not tallying with the official record, he complained to Darshan Lal who got Har Prasad Group 'D' employee in the same branch sign the withdrawal form as attesting witness to the extent that said Har Prasad is conversant with the signature of Vijai Pal Singh. On applicant's instruction Darshan Lal draught the withdrawal form bearing pay order on the same issued by Assistant Post Master Savings Bank, Sri Bhagwan Das of the

same Branch and therefore, having no option, applicant gave the cash on the said withdrawal form. In similar manner Darshan Lal on numerous occasions as detailed in the O.A. withdrew money from the aforementioned Savings Bank account.

4. Applicant's further case is it also came out that the aforementioned account were in the name of fake person as everywhere Darshan Lal was the attesting witness and personally withdrew the money. That Darshan Lal converted the money into Fixed Deposit Accounts in the name of his father and other relations on the same date and thereafter he encashed all the fixed deposit receipt and the withdrawal was admitted by Darshan Lal in his statement (Annexure A-3) before the Enquiry Officer. He had deposited the money in fixed deposit by forging the signature of his brother and on 4.1.1999 withdrew the money. During the enquiry into the irregularities committed by Darshan Lal, the officials were influenced by Darshan Lal and this is apparent that enquiry was conducted against other officers of the Post Officer as named in para 12 of the O.A. but only applicant, Rajendra Singh and Darshan Lal were put under suspension vide order dated 26.2.1999. F.I.R. No. 149/99 for forgery, misappropriation of money etc. was lodged in Police Station Amroha and trial is pending in the Court.
5. Applicants further case is chargesheet under Rule 14 of CCS (CCA) Rules 1968 was issued against him on 24.12.1999 (Annexure A-5) to which he submitted his reply (Annexure A-6). The Enquiry Officer did not consider the reply of the applicant in correct perspective inasmuch the applicant was not shown the original ledger card though he had asked for it and that the applicant being cash-cum-counter clerk was neither responsible for the fake entries in the ledger card and

nor was responsible for accepting withdrawal when it was carried under the pay order of Asstt. Post Master namely Om Prakash Sharma, Bhagwan Das Ram Murti on different dates have admitted in the enquiry that they had ordered the payment of money. Similarly Rajendra Kumar Singh admitted in his statement (Annexure A-9) that manipulation was done by Darshan Lal. However, the enquiry officer vide his enquiry report dated 28.3.2001 (Annexure A-10) held the applicant guilty of charges and thereafter without issuing any show cause notice, the services of applicant were terminated vide order dated 19/25.4.2001 (Annexure 1 to the Compilation 1). Thereafter he filed the appeal before respondent No.2 and on 2.2.2002 received a registered letter containing the order of the disposal of his appeal dated 23.11.2001 (Annexure No.2) and that the order was dispatched by office of respondent No.2 on 31.1.2002 more than 1 month after passing of the impugned order disposing of the appeal and the same does not reveal that any dates was fixed by respondent No.2 for hearing the applicant. The appellate authority (AA) did not consider his grounds of appeal including the plea that termination order was passed without any show cause notice. The order of his termination has discriminated the applicant vis-à-vis the other Officer of Post office since some employees have been chargesheeted under Rule 16 whereas main accused Darshan Lal still working. Whereas punishment of recovery and stoppage of one year increment has been imposed on Siya Ram and Hari Singh.

6. That applicant had filed O.A of 243 of 2002 wherein considering the points raised by the applicant, the Tribunal vide order dated 21.2.2008 (Annexure 15) directed the AA to reconsider the appeal afresh. Applicant filed the additional memo appeal before the AA in compliance with the order of

Tribunal. That the AA without taking into consideration, the observations made in the order of the Tribunal decided the appeal.

7. Article -I of the charge sheet reads as under: That the applicant from May 1998 to August 1998 while posted as Saving Bank Counter clerk in Amroha Post Office from the saving banks (details give in the charge sheet) by way of forgery withdrew money. Therefore, the applicant while work on the said post violated the provisions of Book Khand -1 and the rule 33 (1) (2) (3) and thereby misappropriated Government money of Rs.215500/- and thereby violated rule 3 (1) (i) (ii) (iii) of CCS (Conduct) Rule 1964.
8. In the counter affidavit, it has been averred that applicant was directly responsible for the loss suffered by the Government to the extent of Rs.2,15,500/-. It was the duty of the applicant to check the facts of the Saving Bank Account before affecting the withdrawal from the Saving Bank Account as per Post Office Saving Bank Manual Vol-1 Rule 33 (6) (i) and it was due to the negligence of applicant that facilitated the fraud. That all the withdrawal were made by the applicant and in respect of Account No. 533688, the withdrawal was made with the joint connivance of applicant and Darshan Lal. The applicant in his written statement dated 7.1.1999 has admitted that Darshan Lal was a fraudulent person and that applicant was present at the time of withdrawal and has also admitted that the withdrawal form produced for payment was filled by Darshan Lal at the counter in front of the applicant. That the applicant did not apply his mind in performing his duties but acted under pressure of Darshan Lal and did not seek the presence of the depositor at the counter. In his statement record on 7.1.1999 and 24.2.1999, applicant admitted that he made payment under pressure of Darshan Lal and S.B.-7 withdrawal form of

Account No. 533689 clearly shows that the applicant had allowed the withdrawal without any witness or identification of depositor and that the signature of S.B-3 and S.B.-7 deferred. The applicant did not point out the irregularities to the APM that the depositor was not present and Darshan Lal was a fraudulent person and therefore, applicant is totally responsible for the misappropriation. That the applicant allowed the withdrawal to a third person namely Darshan Lal and copy of SB-7 withdrawal form and SB-3 signature card of account No. 533719 show that the signature on both the document deferred but the applicant allowed the withdrawal without any witness or identification. Similarly the details of fraudulent transfer from the other Saving Bank Account was done by the applicant himself.

9. Respondents have further averred that during the enquiry, Darshan Lal, Rajendra Kumar and applicant were found directly responsible for misappropriation of Government money amounting to Rs.305500/- but that the amount was deposited in Joya Sub Post Office by someone on several dates showing the name of depositor and thus contention of applicant that Darshan Lal had deposited the entire money is baseless. It has been averred in the counter affidavit that the applicant is trying to show that Darshan Lal only is the main accused whereas Rajendra Kumar and the applicant are also responsible for fraudulent withdrawal and misappropriation of government money amounting to Rs.305500/- out of which applicant is directly responsible for Rs.215500/-. A copy of the enquiry report dated 26.3.2001 in the shape of show cause notice was sent to the applicant by Superintendent of Post Offices vide letter dated 28.3.2001 giving him 15 days to submit his defence representation as per rule of 15 of CCS (CCA) Rules 1964.

10. Regarding the appeal, respondents submit that order of appeal was sent through Post to the address of the applicant given in the appeal dated 11.5.2001 and report was the applicant had left the station without any information. Therefore, the same was sent to the applicant on the address given in the service book. In the meantime, photocopy of the application dated 21.1.2002 of the applicant was received in which the address of the applicant was Mainpur and therefore, a Photostat copy was also sent to this address at Mainpur that disciplinary action has been taken against Siya Ram and Hari Singh as per the contributed negligence found on their part. The charges against the applicant which relate to his duties as Counter Clerk cannot be equated to the duty of other persons and therefore, Article 14 of Constitution is inapplicable insofar as the different punishment given to different officials. It has also been submitted that applicant made fraudulent payment in presence of Darshan Lal and this proves that applicant was involved with Darshan Lal in conspiracy of fraudulent withdrawals from the Saving Bank Accounts. Being a counter clerk, it was the duty of applicant to compare the signature on the withdrawal form which is specimen signature due to trust in Darshan Lal who was the fraudulent man the same was not done and which stands admitted by the applicant in his statement dated 24.2.1999.
11. Specific note is to be taken of paragraph 25 of the counter affidavit filed by the respondents wherein it has been averred that:-

"25. That in reply to the contents of paragraph No. (d) 16 of the original application, it is stated that during the course of enquiry Shri Darshan Lal, Shri Rajendra Kumar and Shri Ravindra Singh (Applicant) were found directly responsible for misappropriation of Govt. money amounting to

Rs.305500/- as mentioned in preceding paragraphs. The amount was deposited in Joya Sub Post Office by someone in several date showing the name of depositors. The contention of the applicant that Shri Darshan Lal was deposited the entire money, is baseless".

12. In the rejoinder, applicant while reiterating the averments made in the O.A. has further submitted that he had followed the rule in accepting the withdrawal form after they were duly attested and forwarded by the Asstt. Post Master even in those cases where the signature did not tally and that the applicant permitted withdrawal when the departmental employee himself gave witness of the signature. Applicant has further taken a plea that he has been a victim of the breach of trust and good faith of a poor employee of the same Post Office and that the applicant has been singled out for giving major punishment whereas even Darshan Lal has been reinstated in view of his OA being allowed. That respondent have no explanation as to how other employees have continued in service against whom charge sheet has been filed by the police and trial is going on. The contention of respondents that the embezzled money was deposited by someone else than Darshan Lal is also falsified by the fact that Darshan Lal had produced the receipt in the court to obtain bail.
13. Applicant has challenged the enquiry report, order of disciplinary authority and the order of appellate authority.
14. In the above context, it has been submitted by learned counsel for applicant, that the Inquiry Officer, Disciplinary Authority and Appellate Authority have utterly failed to consider the pleas raised by the applicant in his written statement of defence, reply to the show-cause notice, and

appeal petition in their proper perspective, and that the conclusions arrived at by the said authorities are perverse and, therefore, the impugned enquiry report and the orders passed by the Disciplinary Authority and Appellate Authority are unsustainable and liable to be quashed.

15. Per contra, it has been submitted by learned counsel appearing for the respondents, that there was sufficient evidence to prove the charges against the applicant. The Inquiry Officer, Disciplinary Authority and Appellate Authority have recorded their findings in a fair manner. The pleas taken by the applicant in the written statement of defence, reply to the show cause notice, and appeal have been duly considered and findings thereon have been arrived at by the Inquiry Officer, Disciplinary Authority and Appellate Authority. The procedure established by law has been duly followed. The punishment of removal from service is commensurate with the charges proved against him. Therefore, there is no infirmity in the orders passed by those authorities, and the O.A. is liable to be dismissed.
16. It is no more res integra that the power of judicial review does not authorize the Tribunal to sit as a court of appeal either to reappraise the evidence/materials and the basis for imposition of penalty, nor is the Tribunal entitled to substitute its own opinion even if a different view is possible. Judicial intervention in conduct of disciplinary proceedings and the consequential orders is permissible only where (i) the disciplinary proceedings are initiated and held by an incompetent authority; (ii) such proceedings are in violation of the statutory rule or law; (iii) there has been gross violation of the principles of natural justice; (iv) there is proven bias and mala fide; (v) the conclusion or finding reached by the disciplinary authority is based on no evidence and/or

perverse, and (vi) the conclusion or finding be such as no reasonable person would have ever reached.

17. In *B.C. Chaturvedi v. Union of India*, AIR 1996 SC 484, reiterating the principles of judicial review in disciplinary proceedings, the Hon'ble Apex Court has held as under:

"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in eye of the Court. When an inquiry is conducted on charges of a misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice be complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal on its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at the own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent

with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry of where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case".

18. In **Government of Andhra Pradesh v. Mohd. Nasrullah Khan**, (2006) 2 SCC 373, the Hon'ble Apex Court has reiterated the scope of judicial review as confined to correct the errors of law or procedural error if it results in manifest miscarriage of justice or violation of principles of natural justice. In para 7, the Hon'ble Court has held: "By now it is a well established principle of law that the High Court exercising power of judicial review under Article 226 of the Constitution does not act as an Appellate Authority. Its jurisdiction is circumscribed and confined to correct errors of law or procedural error if any resulting in manifest miscarriage of justice or violation of principles of natural justice. Judicial review is not akin to adjudication on merit by appreciating the evidence as an Appellate Authority....."
19. And in **CIFC v/s Abrar Ali**, (2018) 1 SCC (L&S)310, it was held by the Hon'ble Apex Court that -

"The High Court should not have entered into the arena of facts which tantamount to re-appreciation of evidence. It is settled law that re-appreciation of evidence is not permissible in the exercise of jurisdiction under Article 226 of the Constitution of India. In State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaiya reported in (2011) 4 SCC 584, this Court held as follows:

"7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic inquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."

Enquiry report dated 28.03.2001

20. Applicant challenged the enquiry report on the ground that (1)The enquiry has ignored the statement of Darshan Lal wherein he admitted the withdrawal of money; (2)The original ledger cards were not produced during the enquiry and had been found missing moreso when applicant was not Incharge of the ledger card register; (3) Job of applicant was to disburse cash only if withdrawal form signed by Asstt. Post Master, who issued pay order and the same has been admitted by Assistant Post Master; (4)In Banking system in case of variation in signature a witness identifies the signatures and, therefore, if the applicant relied upon the

witness who was employee of the same Post Office, the charge of negligence in duty cannot be leveled.

21. The enquiry officer has based his finding on the evidence produced before him and therefore this Tribunal, as a matter of settled law cannot sit as a court of appeal either to reappraise the evidence/materials nor is the Tribunal entitled to substitute its own opinion even if a different view is possible. There is no material on record or in the enquiry report to show that the disciplinary proceedings were initiated and held by an incompetent authority, proceedings were in violation of the statutory rule or law, there has been gross violation of the principles of natural justice, there is proven bias and mala fide, the conclusion or finding reached by the disciplinary authority is based on no evidence and/or perverse, and the conclusion or finding be such as no reasonable person would have ever reached.
22. The contention of the learned counsel for the applicant that the inquiry report suffers from manifest errors is a general statement. The inquiring authority has discussed the entire evidence adduced before it and thereafter arrived at a particular conclusion holding the charges proved against the applicant. The findings seem to be absolutely logical. The inquiry officer was only required to appreciate the evidence produced before it. It was purely an administrative matter and the inquiry officer has formulated opinion, which is not illogical.
23. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice, the Tribunal has no power to substitute its own discretion for that of the authority. Meaning thereby, if the epitome of the evidence produced by the parties during the course of enquiry, is put

together, then conclusion is inescapable that charges framed against the delinquent stand proved. Moreover, in the present case the EO has discussed the evidence in detail and has appreciated the evidence of the parties in the right perspective as discussed hereinabove.

24. In the instant case, the evidence as discussed by the Enquiry Officer would show the complicity of the applicant in the misappropriation of the Government money. It was the applicant who was the main officer whose duty, as per the Rules and Regulation of the post office was to ensure that the signatures tally, money is disbursed to the rightful depositor and all formalities are complied with before disbursing the money from saving bank account. The charge and evidence on record that the applicant was responsible for disbursement of money and that he disbursed the money in violation of the norms and condition unhesitating led the Enquiry officer to hold that the charges leveled against the applicant stand proved and therefore, there is nothing on record to justify an interfere with the report of the Enquiry Officer by this Tribunal.
25. In these circumstances, looking to the facts of the case and after going through the enquiry report, the order passed by the Enquiry Officer holding the applicant guilty of misappropriation of Government money, we are of the view that the conclusions reached by the said authority cannot be said to be perverse or based on no evidence.

Report of the Disciplinary Authority and Appellate Authority

26. Insofar as the order of Disciplinary Authority and appellate order are concerned, they are said to be without reasons. The Disciplinary Authority and appellate authority has recorded sufficient reasons in their order. The contention of

the learned counsel for the applicant that the orders of the authorities are without reasons is not correct.

27. The Disciplinary Authority and Appellate have considered the facts and the evidence in details and recorded cogent reasons dealing with the relevant evidence of the parties and provided adequate opportunities at appropriate stages to the applicant. Therefore, we hold that both the Disciplinary Authority and Appellate Authority have recorded cogent reasons and examined the matter in the right perspective. We do not find any illegality, irregularity or any perversity in the impugned order of the Disciplinary Authority and Appellate Authority. As such, no interference is warranted by this Tribunal in the obtaining circumstances of the case.
28. It was further submitted by the Learned Counsel for the applicant that the other officials of the post office who charged with complicity in the present case of misappropriation especially Darshal Lal and others persons were imposed with minor penalty for the same offence whereas he has been imposed with harsher punishment, i.e. removal from service. He has thus prayed that the OA be allowed.
29. With regard to the allegation made by the applicant that the other official were also involved in commission of offence of misappropriation of Government money in league with the applicant were imposed with minor penalty whereas the applicant has been inflicted with punishment of removal from service cannot be a ground to allow this OA. With regard to award of lesser punishment to others persons involved in the same offence as compared to applicant, the Hon'ble Supreme in the case of **Balbir Chand Vs. Food Corporation of India Ltd 1997 (3) SCC 371** has held as under:-

".....It is further contended that some of the delinquents were let off with a minor penalty while the petitioner was imposed with a major penalty of removal from service. We need not go into that question. Merely because one of the officers was wrongly given the lesser punishment compared to others against whom there is a proved misconduct, it cannot be held that they should also be given the lesser punishment lest the same mistaken view would be repeated. Omission to repeat same mistake would not be violative of Article 14 and cannot be held as arbitrary or discriminatory leading to miscarriage of justice. It may be open to the appropriate higher authority to look into the matter and taken appropriate decision according to law...."

30. Suffice, it to say that the administrative authority is not required to write a judgment, as is written by a court of law. The administrative authority, particularly when exercising appellate jurisdiction, is only required to disclose due application of mind to the issues raised, which has been done in the present case.
31. We are also unable to accept the contention of the applicant that the EO, DA and AA have failed to consider the pleas raised by him in their proper perspective.
32. It is argued that the punishment is disproportionate to the charges against the applicant and mercy petition has not been considered properly in reducing the punishment. In *Ranjit Thakur v Union of India & others*, (1987) 4 SCC 611, the Hon'ble Supreme Court held as under: "25. But the sentence has to suit the offence and the offender. It should not be vindictive or unduly harsh. It should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias. The

doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the court-martial, if the decision of the court even as to sentence is an outrageous defiance of logic, then the sentence would not be immune from correction...."

33. Insofar as the question of quantum of punishment is concerned, the Hon'ble Supreme Court taking note of various earlier judgments, in ***Jai Bhagwan v Commissioner of Police [(2013) 11 SCC 187]***, held as under: "10. What is the appropriate quantum of punishment to be awarded to a delinquent is a matter that primarily rests in the discretion of the disciplinary authority. An authority sitting in appeal over any such order of punishment is by all means entitled to examine the issue regarding the quantum of punishment as much as it is entitled to examine whether the charges have been satisfactorily proved. But when any such order is challenged before a Service Tribunal or the High Court the exercise of discretion by the competent authority in determining and awarding punishment is generally respected except where the same is found to be so outrageously disproportionate to the gravity of the misconduct that the Court considers it be arbitrary in that it is wholly unreasonable. The superior Courts and the Tribunal invoke the doctrine of proportionality which has been gradually accepted as one of the facets of judicial review. A punishment that is so excessive or disproportionate to the offence as to shock the conscience of the Court is seen as unacceptable even when Courts are slow and generally reluctant to interfere with the quantum of punishment. The law on the subject is well settled by a series of decisions rendered by this Court."

34. Thus, it is for the competent disciplinary authority to impose the penalty as may be required on the basis of the material before it. It is not for the court to interfere in the quantum of punishment unless it pricks the conscience of the court and is so disproportionate to the offence committed as to defy prudence. In the present case, we find that major charges against the applicant have been proved. The penalty of removal from service under the facts and circumstances of the present case cannot be said to be disproportionate. We do not feel that this is a fit case where the doctrine of proportionality is attracted. No infirmity can be inferred from the order of the punishment imposed upon the applicant.
35. After going through the enquiry report, the order of punishment passed by the DA, and the order passed by the AA, we are of the view that the conclusions reached by the said authorities cannot be said to be perverse or based on no evidence. We are also unable to accept the contention of the applicant that the IO, DA and AA have failed to consider the pleas raised by him in their proper perspective. We also do not find the punishment of removal from service to be outrageously disproportionate to the gravity of the misconduct committed by the applicant.
36. Learned Counsel for applicant relied upon **(1) Roop Singh v/s Punjab National Bank, (2009) 2 SCC 570 and State of Uttar Pradesh v/s Saroj Kumar Sinha, (2010) 2 ACC 772** lays down the principles governing nature of departmental proceedings and functions of an Enquiry officer and that orders must be based on reasons and appreciation of evidence. (2) Inspector **Prem Chand v/s Govt. of ACT, (2007) 4 SCC 566** deals with the question of misconduct and its scope.
37. After having given our thoughtful consideration to the facts and circumstances of the case and the rival submissions, in

the light of the decisions referred to above, we have found no substance in any of the submissions made by Mr. Arvind Srivastava, learned counsel appearing for the applicant.

38. In the light of our above discussions, we have no hesitation in holding that the O.A. is devoid of merit and liable to be dismissed. Accordingly, the O.A. is dismissed. No costs.

(Mohd. Jamshed)
Member (A)

(Rakesh Sagar Jain)
Member (J)

Manish/-