

**Central Administrative Tribunal
Principal Bench**

**OA No.3223/2017
AND
OA No.4626/2014**

New Delhi, this the 11th day of September, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

OA No.3223/2017

Nathu Singh, S/o Late Sh. Asha Ram
Aged about 69 years
Retired Principal KVS, Muzaffarnagar
Resident of H. No.470, Rampuri
Near Bharat Milap Chowk
Distt.-Muzaffarnagar-251001
UP. ..Applicant

(By Advocate: Shri M.S. Ramalingam)

Versus

1. The Chairman Kendriya Vidyalaya Sangathan
And Minister for Human Resource Development
Shastri Bhawan
New Delhi-110001.
2. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016. ..Respondents

(By Advocate: Shri S. Rajappa)

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ORDER (ORAL)

Justice L. Narasimha Reddy:-

OA No.3223/2017

The applicant worked as a Principal in the Kendriya Vidyalaya, Muzaffarnagar. In the year 2007, a charge memo dated 14.05.2010 was issued to him wherein three articles of charge were framed. On receipt of the charge memo, the applicant submitted his explanation denying the charges. Not satisfied with the explanation, the disciplinary authority directed a departmental inquiry. The inquiry officer submitted its report on 26.08.2012 holding that all the charges are proved beyond any doubt. The applicant was issued a notice, thereafter, together with report of the inquiry officer, wherein punishment of penalty of "20% cut in pension permanently" was indicated. The applicant

submitted his representation on 01.07.2013. Taking the same into account, the disciplinary authority passed an order dated 30.09.2013 imposing penalty of 20% cut in the pension, permanently.

2. Challenging the order of punishment the applicant filed OA No.2741/2014. The principal ground urged therein was that the order of punishment was not supported by any reasons. On that very short ground, the OA was allowed on 25.08.2015 and the matter was remanded to the disciplinary authority for fresh consideration and disposal. After remand, the disciplinary authority passed an order dated 14.03.2017 imposing the penalty of "20% cut in pension for a period of five years". The same is challenged in this OA.

3. The applicant contends that though on earlier occasion, this Tribunal specifically directed the disciplinary authority to pass a reasoned order, the impugned order was passed in a laconic manner. It is stated that except that the contents of the charge and that of the representation are reproduced, the disciplinary authority did not mention any reason worth

its name in support of his conclusion. According to the applicant, the impugned order also suffers from the vice of being bereft of reasons.

4. We heard Shri M.S. Ramalingam, learned counsel for the applicant and Shri S. Rajappa, learned counsel for the respondents.

5. This is the second round of litigation initiated by the applicant. As regards the punishment that was imposed upon him on the basis of the charge memo dated 14.05.2010, on an earlier occasion, an order of punishment was passed on 30.09.2013 by imposing penalty of "20% cut in pension permanently". After remand, the punishment was reduced substantially and in the place of permanent cut in pension, the period is restricted to five years. The principal challenge, in the present case also is that the appointing authority did not assign reasons in support of its conclusions.

6. It is true that in the earlier order, except reproducing the contents of the charge memo and that of the representation, the disciplinary authority did not assign any reasons in favour of the punishment. However, after remand, the authority did bestow its

attention to the facts of the case and not only has taken note of articles of charge and the explanation but also the gravity thereof, into account. After reproduction of the charges and discussion about the various steps that have taken place in the disciplinary proceedings, the disciplinary authority came to this conclusion.

7. From perusal of the earlier order, it becomes clear that the disciplinary authority considered each and every aspect in detail, in an objective manner and came to the conclusion that punishment of "20% cut in pension for a period of five years" deserves to be imposed. The substantial improvement over the previous order of punishment is that: (a) the discussion though brief, with reference to each and every charge, and their gravity was undertaken; and (b) the punishment was substantially reduced to be the one for a limited period of 5 years instead of being permanently;

8. The officials who are functioning in KVS and who are vested with the power of disciplinary authority are not trained adjudicators. Though it is desirable that a

detailed discussion is undertaken, once it becomes clear that the relevant facts have been analysed and mind has been applied, the requirement as to law can be taken as complied with.

9. We do not find any basis to interfere with the order of punishment which is challenged in this OA. The OA is accordingly dismissed. There shall be no order as to costs.

OA No.4626/2014

10. Even according to the applicant, the gratuity as regards which relief is claimed in this OA, has since been paid. The respondents have also passed an order dated 09.01.2014 in this regard. The OA has thus become infructuous. Therefore, the same is dismissed as such. There shall be no order as to costs.

(Aradhana Johri) (Justice L. Narasimha Reddy)
Member(A) Chairman

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