

**Central Administrative Tribunal
Principal Bench**

OA No.2790/2018

New Delhi, this the 26th day of July, 2018

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

R. R. Pathania
aged 62 years,
S/o Ronak Ram
R/o B-6/151, Second Floor,
Sector-11, Rohini,
Delhi 110 085.
Retired as EVGC, Group 'A'. ... Applicant.

(By Advocate, Shri Nitesh Kumar Singh with Ms. Neha)

Vs

1. The Director
Directorate of Education,
GNCT Delhi
Old Secretariat, Near Vidhan Sabha,
Civil Lines,
Delhi 110 054.
2. The Deputy Director
District North-West (H)
Directorate of Education,
GNCT Delhi
Hakikat Nagar,
Delhi.
3. The Principal
Govt. Boys Senior Secondary School
D-Block, Jahangirpuri,
Delhi 110 033. ... Respondents.

(By Advocate, Ms. Harvinder Oberoi)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The applicant was appointed as Educational and Vocational Guidance Counsellor in the Education Department of Government National Capital Territory of

Delhi. He submitted an application to the appointing authority on 16.05.2002 stating that he intends to leave the country for two weeks to attend his ailing sister in US for the period between 04.06.2002 and 29.06.2002. Even before any order was passed on his leave application, the applicant left the country. He is said to have returned in May, 2003 and reported to the Principal. After he came back, disciplinary proceedings were initiated by issuing the charge memo dated 26.09.2005. After conducting departmental inquiry, the Disciplinary Authority passed an order dated 01.07.2016 imposing the punishment of Censure and directed that the period of absence be treated as *dies non*. Aggrieved by that, the applicant filed an appeal to the Secretary, Education Department. The Appellate Authority retained the punishment of Censure but modified the direction as to *dies non* by treating the period of absence into two spells. Not satisfied with the relief granted by the Appellate Authority, the applicant filed this OA.

2. We heard Shri Nitesh Kumar Singh, learned counsel for the applicant and Ms. Harvinder Oberoid, learned additional standing counsel for the respondents.

3. In case the applicant wanted to leave the country, he was supposed to submit the leave application, well in

advance, so that the necessary formalities could be completed by the time, the departure becomes due. However, he submitted the application on 12.05.2002 by stipulating the date of departure to foreign country as 04.06.2002, and it was virtually impossible for the department to process the application within such short time.

4. Assuming that there was urgency for the applicant, and he had to leave the country even without obtaining the permission of the competent authority, he was supposed to return in June 2002 itself. In the application, he mentioned the period of stay in foreign country from 04.06.2002 to 26.06.2002. He is said to have reported to the Principal, and not the appointing authority one year later. When the misconduct on the part of the applicant is of such serious nature, the punishment of Censure cannot be said to be disproportionate.

5. We do not find any merit to interfere in the impugned order. The OA is accordingly dismissed. No order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/

