Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1526/2014
with
OA No.3944/2014

Reserved on: 20.04.2018
Pronounced on: 03.05.2018

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

OA No.1526/2014

Jagmohan Thakur
TGT/English, SCAN, SBV No.2,
Block-B, Janakpuri, New Delhi
Aged about 37 years
S/o Sh. Ashok Kumar Thakur
R/o D-92/93, Dari Ext.(East)
New Delhi – 110 045. ...Applicant

(By Advocate: Sh. Anil Singal)

Versus

1. Govt. of NCT of Delhi through
Chief Secretary,
Delhi Secretariat, IP Estate,
New Delhi.

2. Principal Secretary,
Ministry of Education,
Delhi Secretariat,
I.P. Estate, New Delhi.

3. Director of Education,
Directorate of Education,
Delhi Secretariat,
I.P. Estate, New Delhi.

4. Dy. Director of Education,
District West-A, G.Co-Ed. SS IA,
Karampura/New Moti Nagar,
New Delhi – 15. ...Respondents

(By Advocate: Sh. Vijay Pandita)

OA No.3944/2014

Ishwar Singh
TGT/Natural Science, SBV,
Subhash Nagar, New Delhi
Aged about 41 years
S/o Sh. Dayanand
R/o WZ-105-A, Plot No.80,
Ground Floor, Pratap Nagar,
Hari Nagar, New Delhi – 110 064. …Applicant

(By Advocate: Sh. Anil Singal)

Versus

1. Govt. of NCT of Delhi through
Chief Secretary,
Delhi Secretariat, IP Estate,
New Delhi.

2. Principal Secretary,
Ministry of Education,
Delhi Secretariat,
I.P. Estate, New Delhi.

3. Director of Education,
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District West-A, G.Co-Ed. SS IA,
Karampura/New Moti Nagar,
New Delhi – 15. …Respondents

(By Advocate: Sh. Vijay Pandita)

O R D E R

By Hon'ble Mr. Uday Kumar Varma, Member (A):

The applicants in these two OAs filed under Section 19 of the Administrative Tribunals Act, 1985 sought the following relief(s):-

Sl.No.	*OA No.1526/2014*	*OA No.3944/2014*
(i)	*To quash and set aside the impugned Memorandum dt. 28.05.2011, Disagreement Note dated 30.01.2012, Order of Punishment dated 30.11.2012 and Appellate Order dated 17.01.2014 with all consequential benefits including arrears of pay and allowances.*	*To quash and set aside the impugned Memorandum dt. 28.05.2011, Disagreement Note dated 08.01.2013, Order of Punishment dated 26.08.2013 and Appellate Order dated 17.01.2014 with all consequential benefits including arrears of pay and allowances.*
(ii)	*To award costs in favour of the applicant; and*	*To award costs in favour of the applicant; and*
(iii)	*To pass any order or orders, which this Hon'ble Tribunal may deem just and equitable in the facts and circumstances of the case.*	*To pass any order or orders, which this Hon'ble Tribunal may deem just and equitable in the facts and circumstances of the case.*

2. As the instant two Original Applications bearing OA Nos.1526/2014 and 3944/2014 involve identical matter, were heard together and, hence, are being disposed by this common order. For the sake of convenience, OA No.1526/2014 has been treated as the lead case.

3. Brief facts of the case are that the applicant is holding the post of TGT with the respondents. It is contended that the applicant was served with a chargesheet dated 28.05.2011 on the following Articles of Charge:-

> ***"Article of Charge No.I***
>
> *During the course of performance of his official duties, the Principal of SCAN GSBV No.2, B-Block, Janakpuri, New Delhi issued a Memo vide No. SCAN/12/2011 dated 18.03.2011 to Sh. Jagmohan Thakur, TGT (Eng.) & Sh. Ishwar Singh, TGT (N.Sc.). But both the teachers refused to acknowledge and receive the said Memo. Thus, they openly challenged the authority of the Principal being the Head of the*

School and defied the official decorum. This act of Sh. Jagmohan Thakur, amounts to willful insubordination and disobedience which is subversive of discipline.

Article of Charge No.II

Sh. Jagmohan Thakur, TGT (Eng.) & Sh. Ishwar Singh, TGT (N.Sc.) used abusive and derogatory language against the Principal in his office and threatened him of inflicting physical assault. They even badly roughed up and manhandled the Principal when he was trying to save another teacher of the school Sh. Ganeshi Lal Sharma, PGT (Sanskrit) from being assaulted by the said two teachers. The spectacles of the Principal were also broken and lost in the process. Thus they behaved in a manner which is highly condemnable and unbecoming of a govt. servant.

Article of Charge No.III

On 18/03/2011 Sh. Jagmohan Thakur, TGT (Eng.) & Sh. Ishwar Singh, TGT (N.Sc.) entered the office of the Principal and started misbehaving in the presence of Sh. Ganeshi Lal Sharma, PGT (SKT). When Sh. Ganeshi Lal Sharma tried to intervene, both the said teachers started brutally punching him on the face and on the chest. Sh. Ganesh Lal Sharma, PGT (SKT) lodged a police complaint against the said teachers in the Hari Nagar Police Station. Such riotous and violent behavior during working hours at the establishment is highly subversive of discipline and shows their lack of respect for the dignity and safety of their colleagues.

Article of Charge No.IV

Vide a representation addressed to the DDE (W-A) dated 22/3/2011 Sh. Jagmohan Thakur, TGT (Eng.) has submitted the list of 19 allegations against the Principal, SCAN GSBV No.2, B-Block, Janakpuri, N. Delhi. The same allegations were made by Sh. Ishwar Singh, TGT (N.Sc.) also. The complaints were inquired into by the E.O. (Z-14) who was of the view that all the allegations were patently false, concocted and devoid of any substance. This act of filing false and frivolous complaints against the H.O.S. of the school is an attempt to malign his reputation and discourage him from performing his public duties which is grossly immoral.

The above misconducts of the officials shows his complete disregard for the decorum of an institution and highly subversive of discipline. The officials have acted in a manner which is unbecoming of a govt. servant thereby contravening the provisions of Rule 3 of CCS (Conduct) Rules, 1964."

4. The disciplinary authority/respondent, vide letter dated 20.06.2011, appointed Presenting and Inquiry Officers to present on its behalf the case in support of Articles of charge. The presenting officer submitted his prosecution brief vide letter dated 17.09.2011 on behalf of the disciplinary authority concluding therein that charges levelled against the applicant are not established. The applicant contends that the Inquiry officer accepting the brief of the presenting officer and applicant's defence statement, submitted the inquiry report dated 02.11.2011 to the disciplinary authority concluding that the charges levelled against the applicant are not proved.

5. The applicant submits that the disciplinary authority, however, did not agree with the findings of the inquiry officer and issued a disagreement note dated 30.01.2012 with the conclusion that the charges are fully proved against the applicant without giving any reason for disagreement and without even specifying/explaining as to how and why the findings of the inquiry officer are liable to be overturned particularly when the presenting officer, who was working in the whole inquiry proceedings on behalf of the disciplinary authority, has submitted his brief concluding that the charges are not proved. The applicant, therefore, submits that in this view of the matter, the

disciplinary authority was debarred from disagreeing with the inquiry report based on conclusions of the presenting officer appointed by the disciplinary authority itself. The applicant submitted his reply to the disagreement note and the disciplinary authority, after considering the said reply did not find the same convincing and awarded the punishment of reduction of pay by two stages for one year vide order dated 30.11.2012. Aggrieved, the applicant filed an appeal against the disciplinary authority's order dated 30.11.2012 which was also rejected by the appellate authority vide order dated 17.01.2014.

6. The applicant has taken the following grounds in support of his contention that the disagreement note is liable to be quashed:-

a. The disciplinary authority was debarred from disagreeing with the findings of the inquiry officer based on the conclusion of the presenting officer appointed by the disciplinary authority to present on its behalf. Therefore, the disagreement note is bad in law and liable to be set aside and quashed.

b. The disagreement note is also bad in the eyes of law as the disciplinary authority has concluded that the charge is fully proved without giving any reason to do so.

c. The disciplinary authority rejected the findings of the inquiry officer on conjectures and surmises. On the other hand, the findings of the disciplinary authority in the disagreement note are perverse and malafide as there is no evidence to support a finding of guilt arrived at by the disciplinary authority.

d. The disciplinary authority instead of forming a tentative opinion that it does not agree with the findings recorded by the inquiry officer has come to a final conclusion that the charges are fully proved against the applicant.

e. The disagreement note is also malafide as the disciplinary authority has neither issued a notice qua disagreeing with the findings of the inquiry officer nor a notice before imposing the punishment.

f. It is a case of no evidence.

7. In view of the above, the applicant submits that the instant OA deserves to be allowed with all consequential benefits with arrears of pay and allowances.

8. The respondents have filed their counter reply denying the averments of the applicant made in the OA and submitted that the real incidences behind the episode were that there was strictness in the school and some

disgruntled teachers wanted to put the Head of the School in trouble. They wanted to find fault somewhere in the working of the Principal or running of the institution. It is further submitted that one day they approached one child of the school and his parents at his home with cameras to say before them that teachers/Principal of the school has beaten him and is not allowing him to enter the school but to their dismay, parents of the child, didn't agree to that instead reported the matter to the Principal. The principal taking cognizance of this serious matter issued requisite memoranda on 18.03.201 to the concerned teachers including the applicant, which was refused to acknowledge by them. It is further submitted that the applicant in connivance with other penalized teachers used abusive and derogative language against the Principal in his office and threatened him of inflicting physical assault. In the meantime, when one teacher came to Principal's office, the applicant and other penalized teachers started abusing him too. When he intervened, they started hitting this teacher. In this process, the spectacles of the Principal were also broken and lost in the process. The applicant brutally punched on the face and chest of another teacher of the school, who tried to save the situation and Principal was attacked too by the applicant and his colleague.

Resultantly, an FIR/Complaint was filed on 18.03.2011 at PS, Hari Nagar, West District. Subsequently, the applicant also sent false complaints to the higher authorities just to malign the image and reputation of the Principal of the School. The respondents further submit that the applicant was chargesheeted vide Memorandum dated 28.05.2011 under Rule 14 of the CCS (CCA) Rules, 1965 on four Articles of Charge, reproduced in preceding paragraphs and the inquiry was held against him. Though the inquiry officer did not find him guilty of the charges, yet the disciplinary authority disagreed with the findings of the inquiry officer relying upon the statement of Principal and other teachers of the school present during the assault and directed the applicant to file his reply, if any. The respondents submit that after considering the reply of the applicant, the disciplinary authority passed the impugned order dated 30.11.2012 imposing the punishment of reduction to two stages in the time scale of pay for a period of one year with further direction that he will not earn increments of pay during the period and on expiry of the period, the reduction will have the effect of postponing the future increments of his pay. It is contended on behalf of the respondents that the appeal of the applicant was rejected by the appellate order dated 17.01.2014 for the

reason that he could not adduce any ground to interfere with the order dated 30.11.2012 passed by the disciplinary authority. The respondents submit that if the presenting officer has submitted any brief without the knowledge and approval of the competent authority, same is liable to be ignored and rejected and this is what has happened in this case. Moreover, the presenting officer has no power to prove or disprove the charges against the delinquent official. Therefore, in the interest of the institution, the disciplinary authority has rightly disagreed with the submission of the presenting officer as also the findings of the inquiry officer as he is vested with this power under CCS (CCA) Rules and the said factum finds mention in paragraph 11 of the impugned order dated 30.11.2012, which reads thus:-

> *"…It is very significant to observe that according to CCS (CCA) Rules, 1965, the Disciplinary Authority is vested with quasi-judicial power and is supposed to apply it judiciously throughout the process. Disciplinary authority is not merely supposed to mechanically accept the report of the inquiry officer and pass a final order. In the instant case, it appeared that there exists sufficient evidence linking the charged official with alleged misconduct and, therefore, a disagreement note was issued…"*

It is further observed in para 13 of the order, which is reproduced hereunder:-

> *"…Although no injury occurred to the principal, but there is no denial of facts that slaps and punches on his back were imposed, that resulted in inclination towards chairs and thereby breaking of spectacles of the principal. It is also undisputed fact that the beginning of the incidence, Shri Jagmohan Thakur (petitioner in this case) and Sh. Ishwar*

Singh (also chargesheeted with the applicant) were available in the Principal's room and subsequently Sh. G.L. Sharma (PW No.3) and Sh. Jagbir Singh (all are teachers) entered the room. The circumstances under which that happened and preponderance of probability indicate that the slaps and punches on the back of the principal were imposed by the CO…, again there is no denial of facts that some slaps and punches were imposed on Sh. G.L. Sharma, PGT (SKT). Again, the circumstances and the preponderance of probability indicate that the slaps and punches too were imposed by the CO…"

9. The disciplinary authority further mentioned the following observation in paragraph 14 of the penalty order:-

"…However, it is noted that tone and contents of the representation dated 22.03.2011, submitted by the CO (listed document No.5) are derogatory in nature and this act tantamount to malign the reputation of HOS and discourage him from performing his duties as Principal/HOS…"

It is further observed in paragraph 15 of the order –

"…It is very significant to note that manhandling a superior fellow staff at a work place amounts to an act of gross indiscipline. The CO is a teacher and undoubtedly a teacher in a school is expected to show regard and respect towards Principal and fellow staff. Even under grave provocation, a teacher is not expected to use foul languages or manhandle his principal of fellow staff…"

10. The respondents, therefore, submit that the disciplinary authority, under the facts and circumstances of the case narrated above and taking a lenient view imposed a very light penalty on the applicant considering his long service ahead. The respondents have prayed for dismissal of the OA.

11. The applicant has filed the rejoinder denying the averments of the respondents and reiterating the averments made by him in the OA.

12. We have gone through the pleadings and considered the arguments so advanced by the learned counsel on either side.

13. The principal argument advanced by the applicant in this case has been with regard to the deficiencies and illegalities in the disagreement note recorded by the disciplinary authority. It is the contention of the applicant that this disagreement note has been recorded without any basis and without discussing the facts of the case. It is further contended that the disciplinary authority has already made up his mind that the applicant was guilty, which is evident from the wording of the disagreement note, where in the penultimate paragraph the disciplinary authority records 'all charges appear to be proved against the charged officer'.

14. Another contention in this regard advanced by the applicant is that the audio CD produced by the defence conclusively clinches the issue with regard to the misconduct of the applicant, which also has been completely ignored by the disciplinary authority. In view of these deficiencies, the counsel for the applicant argues that

the disagreement note itself needs to be quashed and naturally any process thereafter shall also stand terminated.

15. We have carefully gone through the disagreement note and we do not find that the disagreement note suffers from such an infirmity or illegality that deserves its quashing. The disagreement note itself is not laconic or cryptic. It does provide the background and the reasons for the disciplinary authority not agreeing with the findings of the inquiry officer. As regards the contention of the applicant that through the disagreement note the disciplinary authority has already disclosed his mind about his finding on the guilt of the applicant, we do not agree with this contention of the applicant. Our reading of the wordings of the disagreement note suggests that the disciplinary authority has found the inquiry report unacceptable on account of its contents. The disciplinary authority has given full opportunity to the applicant to rebut the contents of the disagreement note by supplying him a copy of the same and giving him full opportunity to rebut against it which the applicant has done in a very detailed and extensive manner. Therefore, it cannot be argued that the disciplinary authority has made up his mind even before

considering the representation made by the applicant against the disagreement note.

16. As regards the audio CD, it is one among other evidences before the inquiry officer and seems to have been relied upon heavily by the inquiry officer. The disciplinary authority in his disagreement note very clearly records that the inquiry officer has not ascertained the veracity and source of procurement of such audio CD. It is not uncommon these days to produce audio or video CDs which are extensively doctored and, therefore, it is imperative that before such evidence is accepted, its veracity and authenticity must be established beyond doubt. To this extent the disciplinary authority has committed no wrong by questioning the acceptance of the same by the inquiry officer.

17. We have also carefully gone through the order of the disciplinary authority which is a very detailed order. It has discussed each article of misconduct, for which the applicant was charged, and after discussing them, has come to a definite conclusion. Counsel for the applicant, while pointing out the wordings of the order, argued that the disciplinary authority himself has used the words like 'charge appears to be proved' or 'charge appears to be partially proved' which indicate that he has not reached a

final conclusion. In our view, it is only a matter of semantics and the order has to be seen in its totality, a reading of which does not leave anybody in doubt about the conclusion that the disciplinary authority has reached with regard to the misconduct of the applicant. We, therefore, find nothing wrong with the order of the disciplinary authority as also with the order of the appellate authority. In a set up like the one which obtains in this case where the issue is that of discipline amongst the teachers. It is not very uncommon to find inquiry officer or presenting officer, who are usually fellow teachers, trying to protect the charged employee or confuse the issues. Therefore, in such matters, the proper view is to look at the issues in the context of overall facts and circumstances of the case and mere omission of some wording or wrongly used phrase cannot become the ground for questioning the validity of such orders.

18. Counsel for the applicant also vehemently argued that it was a case of 'no evidence'. We do not agree with the same. If one goes through the record, it can be seen that the decision reached by the disciplinary authority is based on the evidence which has been discussed by him in his order and, therefore, to claim that it is a case of 'no evidence' is neither correct nor acceptable.

19. As has been mentioned above that the applicant allegedly manhandled the Principal of the School and other teachers as well, who came there to intervene in the matter and also used abusive and derogatory language against them. This conduct of the applicant amply proves that such a riotous and violent behavior during working hours at the work place is highly subversive of discipline and shows lack of respect for the dignity and safety of his colleagues. We are, therefore, satisfied with the arguments of the respondents that the conduct of the applicant fighting with the Principal and other teachers has not only maligned the image of the Principal of the school but also the image and decorum of the institution itself. It is true that the findings of the inquiry officer are in favour of the applicant but it is equally true that the disciplinary authority is vested with quasi-judicial power and is supposed to apply it judiciously throughout the process. This power, which includes disagreeing with the findings in the enquiry, the disciplinary authority has used, in our view, judiciously. We, after going through the case cannot, conclude that he has been deficient in being judicious in exercise of his responsibility.

20. The Hon'ble Supreme Court in the case of ***Union of India versus Parma Nanda*** relying upon the case of ***S.P.***

Sampath Kumar versus Union of India [(1987) 1 SCC 124] held that the jurisdiction of the Tribunal to interfere with the disciplinary matter and its conclusion could not be equated to the appellate jurisdiction. Hon'ble Supreme Court has, therefore, held as under:-

> *"The Tribunal cannot interfere with the findings of the Inquiry Officer or competent authority where they are not arbitrary or utterly perverse. It is appropriate to remember that the power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of legislature or rules made under the proviso to Article 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority. If the penalty can lawfully be imposed and is imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of the authority..."*

21. In another decision titled as ***Union of India and Another versus B.C. Chaturvedi*** [(1995) 6 SCC 749], Hon'ble Supreme Court held that the Tribunal was not empowered to appreciate the evidence. Relevant portion of the judgment reads 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 office 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.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has co-extensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H. C. Goel (1964) 4 SCR 718 : (AIR 1964 SC 364), this Court held at page 728 (of SCR): (at p 369 of AIR), that if the conclusion, upon consideration of the evidence, reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

From the above, certain principles emerge, which are –

(i) The courts do not sit over the order of punishment imposed by the disciplinary authority/ appellate authority;

(ii) The courts are not to appreciate or re-appreciate the evidence during the course of departmental enquiry;

(iii) The courts are only permitted to go into the fact as to whether the procedures prescribed in the Rules have been observed or not;

(iv) The courts cannot be directed that a judgment should have been written in a particular manner based upon the facts adduced in the case;

(v) The courts can go into the issues of mala fide and in case it is found established, the entire departmental proceedings get vitiated;

(vi) The courts can also see whether the enquiry conducted against some rules or the procedures prescribed have been violated so as to vitiate the departmental proceedings;

(vii) The courts can also see whether there is a case of no evidence. This, however, is not a fresh appreciation of evidence.

22. These guidelines for the Tribunals get strong support and endorsement from a recent judgment of the Apex Court in the case of ***Union of India versus P.Gunasekaran*** [2015 (2) SCC 610] wherein it has been held as follows:-

> *"12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, re-appreciating even the evidence before the enquiry officer. The finding on Charge no. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the Constitution of India, shall not venture into re-appreciation of the evidence. The High Court can only see whether:*
>
> *a. the enquiry is held by a competent authority;*
>
> *b. the enquiry is held according to the procedure prescribed in that behalf;*
>
> *c. there is violation of the principles of natural justice in conducting the proceedings;*

d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;

h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;

i. the finding of fact is based on no evidence.

13. Under Article 226/227 of the Constitution of India, the High Court shall not:

(i). re-appreciate the evidence;

(ii). interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii). go into the adequacy of the evidence;

(iv). go into the reliability of the evidence;

(v). interfere, if there be some legal evidence on which findings can be based.

(vi). correct the error of fact however grave it may appear to be;

(vii). go into the proportionality of punishment unless it shocks its conscience.

Xx xx xx

19. The disciplinary authority, on scanning the inquiry report and having accepted it, after discussing the available and admissible evidence on the charge, and the Central Administrative Tribunal having endorsed the view of the disciplinary authority, it was not at all open to the High Court to re- appreciate the evidence in exercise of its jurisdiction under Article 226/227 of the Constitution of India.

20. Equally, it was not open to the High Court, in exercise of its jurisdiction under Article 226/227 of the Constitution of India, to go into the

> *proportionality of punishment so long as the punishment does not shock the conscience of the court. In the instant case, the disciplinary authority has come to the conclusion that the respondent lacked integrity. No doubt, there are no measurable standards as to what is integrity in service jurisprudence but certainly there are indicators for such assessment. Integrity according to Oxford dictionary is "moral uprightness; honesty". It takes in its sweep, probity, innocence, trustfulness, openness, sincerity, blamelessness, immaculacy, rectitude, uprightness, virtuousness, righteousness, goodness, cleanness, decency, honour, reputation, nobility, irreproachability, purity, respectability, genuineness, moral excellence etc. In short, it depicts sterling character with firm adherence to a code of moral values."*

23. The above guidelines enunciated in the judgment are as relevant and useful for adjudication of departmental proceedings in Tribunals as they are for High Courts. If we consider the guidelines laid down by the Hon'ble Apex Court in the case of ***P.Gunasekaran*** (supra), we cannot hesitate to conclude that the instant case does not merit any interference by us as no aspect of this case qualifies for an intervention by the Tribunal.

24. Based on the discussion above, we see no reason for interfering in the matter and we decline to do so. Both the Original Applications deserve to be dismissed and are accordingly dismissed. No costs.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

/AhujA/