

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/01016/2016

DATED THIS THE 25TH DAY OF JULY, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

N. Mukundappa,
S/o Late G. Narayanappa,
Aged about 43 years,
Residing at 139, Building No.1,
KHB Apartments,
Kengeri Satellite Town,
Bangalore-560 060.

...Applicant

(By Advocate Shri B.S. Venkatesh Kumar)

V/s.

1.Union of India
represented by Secretary to Government,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi – 110 001.

2.The Joint Secretary,
Ministry of Agriculture,
Department of Animal Husbandry,
Dairying & Fisheries,
Krishi Bhavan,
New Delhi-110 001.

3.The Director,
Central Institute of Coastal
Engineering for Fishery,
Department of Animal Husbandry,
Dairying & Fisheries,
Opp. ISRO Quarters,
Jalahalli, Bangalore-560 013.

...Respondents

(By Shri M. V. Rao, Senior Panel Counsel)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter is in a short compass. We note that up to the time of imposition of punishment, the process had been undergone in accordance with the rules and natural justice. The issue involved is only the indeterminate nature of the punishment imposed.

2. Shri M.V. Rao, learned counsel for the respondents would explain that the applicant would be eligible for the next promotion as and when he becomes eligible. So can it also mean that if he becomes eligible on the next day, he will suffer the punishment for only one day? The punishment by its nature must be specific and not vague. Therefore, we will direct the Disciplinary Authority to reformulate the punishment in accordance with rules. But then, the findings we hereby uphold. Only the punishment need to be recast. To enable this we hereby quash the impugned order at Annexure A-7 dated 20th April 2015. The appeal has become infructuous. The Disciplinary Authority will take appropriate decision on the recasting of the punishment within 2 weeks from the date of receipt of this order.

3. OA is therefore disposed of but with liberty to the applicant to approach the Appellate Authority in case the order is against him. No order as to costs.

(P. K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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