

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00700/2011 in & OA/310/00293/2013

Dated Monday the 23rd day of July Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

&

HON'BLE MR. P. MADHAVAN, Member (J)

V.Krishnaraju,
Secondary Grade Teacher (dismissed),
Govt. Middle School, Sulthanpet,
(No. 15, Navasannathi Street,
Villanur, Puducherry).Applicant

By Advocate M/s. D. Narayanan

Vs

- 1.Chief Educational Officer,
Govt. of Puducherry,
Puducherry.
- 2.Director of School Education,
Govt. of Puducherry,
Kamarajar Colony Education Complex,
Govt. of Puducherry, Puducherry.
- 3.The Principal Secy. to Govt.,
Chief Secretariat (Education),
Govt. of Puducherry, Puducherry.Respondents

By Advocate Mr. R. Syed Mustafa

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- "i. Modify the punishment of dismissal into compulsory retirement w.e.f 24.01.2000 or any punishment this Hon'ble Tribunal may deem fit in the circumstances and thus render justice,
- ii. To pass such other orders or directions as this Hon'ble Tribunal may deem fit in the circumstances and thus render justice. "

2. The grievance of the applicant is that the applicant was proceeded against by way of a departmental enquiry on a charge that he made an LTC claim on 29.06.1983 by producing fabricated / false vouchers, documents without performing the journey from Puduchery to Pahalgam from 02.05.1983 to 30.05.1983 and cheated the Government by dishonestly producing false documents which caused wrongful loss to the Government. It is submitted that the inquiry officer who conducted the inquiry exonerated the officer of the charges. However, the appellate authority took up the matter suo moto and directed further inquiry. On the basis of such inquiry which was conducted ex-parte, the applicant was dismissed from service. The appeal filed by the applicant against such dismissal was also dismissed by an order dt. 30.09.2002. The applicant made representations thereagainst unsuccessfully and then filed this OA on 06.10.2011 challenging Annexure A4 order dt. 24.01.2000.

3. As regards the reasons for delay in filing the OA, it is submitted that the applicant was ill and was undergoing medical treatment continuously. It is accordingly prayed that MA 700/2011 for condonation of delay be allowed and the OA heard on merits.

4. Learned counsel for respondents would, however, oppose the condonation of delay on the ground that the delay was over 10 years and there is no satisfactory explanation of the delay by the applicant.

5. We have considered the submissions. The matter relates to alleged fraud committed by the applicant in claiming the LTC for travel from Puducherry to Pahalgam and back during the period 02.05.1983 to 30.05.1983. It is stated in the MA that the applicant had not received the order of dismissal. However, after he came to know that he was dismissed from service, he preferred an appeal before the 3rd respondent which was rejected as time barred by an order dt. 30.09.1992. It is stated that the delay in submitting the appeal was due to non-receipt of copy of order of dismissal. It is also alleged that the applicant was unable to persuade the counsel to pursue the case.

6. It appears that the applicant has not stated the facts correctly. It would appear from the impugned Annexure A4 order dt. 24.01.2000 that the disciplinary authority conducted further inquiry in terms of the order passed on 31.05.1999. As the charged official failed to participate in the inquiry, ex-parte proceedings were taken. The

charged official was sent a copy of the written brief of the presenting officer and he sent his final defence statement by a letter dt. 17.11.1999. Based on documentary evidence and deposition of prosecution witnesses, the charge was held as proved by the inquiring authority. A copy of the report of the inquiring authority was sent to the charged official. In the response submitted by the applicant dt. 16.12.1999, he had raised certain points which seem to have been adequately explained/dealt with in the impugned order.

7. While the applicant was at liberty to challenge the order of dismissal dt. 24.01.2000, he accepted it and appears to have agitated the matter only in 2010 as an afterthought. We are unable to see any documentary evidence that the applicant was so immobilised for 10 long years that he would not be able to approach his counsel or this Tribunal with his grievance. MA for condonation of delay is devoid of merits and is accordingly dismissed. Consequently, OA seeking quashment of the impugned order stands disallowed.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

23.07.2018

SKSI