

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-2636/2014

New Delhi, this the 22nd day of August, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Jai Pal, TGT, Age-60 years,
S/o Sh. Prem Chand,
R/o Village Chitana Post office Mahara,
Tehsil sonepat, District Sonepat Haryana. ... Applicant

(None present)

Versus

1. State of NCT of Delhi,
Through its Chief Secretary
Secretariat, Players Building,
Indrapastha Estate, New Delhi.
2. Director,
Directorate of Education,
Old Secretariat, New Delhi-110054. ... Respondents
(through Sh. Saurabh Chadda with Sh. Rohit Bhagat)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

This is one of the oldest OAs in the Tribunal and it was being listed from time to time. However, there was no representation for the applicant. On 20.08.2019, when the case

was called, there was no representation and we directed it to be listed by making it clear that if the same situation remains, the OA will be disposed of by taking recourse to Rule 15 of the CAT (Procedure) Rules, 1987. Today also, there is no representation. We heard Sh. Saurabh Chadda, learned counsel for the respondents.

2. The applicant was working as TGT (English) in the Directorate of Education, GNCTD. He was issued a charge memo dated 28.12.2010 alleging that he not only permitted but even promoted mass copying in a public examination while acting as an Invigilator and he was even dictating the answers to the students. The applicant submitted an explanation denying the charge. Not satisfied with that, the disciplinary authority appointed inquiry officer.

3. A report was submitted by the inquiry officer on 29.07.2011. The disciplinary authority remitted the matter for further inquiry. After such inquiry, the report was submitted on 30.05.2013 holding that the charge is not proved. The disciplinary authority issued a disagreement note and after taking into account, the explanation submitted by the applicant, passed an order dated 26.05.2014 imposing the punishment of

reduction of pay scale by three stages to be imposed for a period of three years, with further direction that he shall not earn any increment of pay during the aforesaid period and on expiry of that period, the reduction will not have the effect of postponing the future increment of pay.

4. The OA is filed challenging the order of punishment. The applicant contends that once the inquiry officer submitted report holding that the charge as not proved, there was no basis for imposition of punishment. It is stated that the prescribed procedure was not followed in the context of disagreement with the findings.

5. The respondents have filed counter affidavit. It is stated that though inquiry officer submitted report stating that the charge is not proved, a disagreement note was issued by the disciplinary authority duly pointing out lapses in the report and indicating as to why the charge can be treated as proved. It is submitted that the OA is liable to be dismissed.

6. The circumstances under which the punishment was imposed against the applicant are stated in the preceding paragraphs. One of the requirements under the CAT Act and Rules made thereunder, is that the applicant must state the

nature of remedies exhausted by him, by the time the OA is filed. Para 6 of the OA is stipulated for that purpose. The applicant did not mention anything about the filing of the appeal against the order of punishment. As observed earlier, a charge memo was issued, inquiry officer submitted the report holding the charges as not proved. The disciplinary authority disagreed with the same and after following the prescribed procedure passed an order dated 26.05.2014 imposing the punishment. The applicant retired from service within one week thereafter, i.e., on 31.05.2014.

7. He preferred an appeal before the Secretary to Education, the appellate authority. Through order dated 10.11.2014, the appellate authority modified the punishment to be the one of reduction of the pay scale by three stages in the time scale till retirement from service, i.e., 31.05.2014. The result is that, the punishment which was imposed for a period of three years, stood reduced to the one, for just a week, hardly with any impact. For the reasons best known to him, the applicant did not mention about the filing of the appeal, much less about the result thereof.

8. Once it emerges that the impact of the punishment imposed against the applicant, the order impugned in the OA, has been reduced to a substantial extent, we do not find any ground to interfere with the impugned order. The OA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/