

(a)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.3065/2004

New Delhi this the 17th day of August, 2004

Hon'ble Mr. Shanker Raju, Member (J)  
Honble Mr.S.A. Singh, Member (A)

Smt.Sangeeta Kaushal,  
W/o Lt.Col.V.K.Kaushal,  
280/4, Western Road,  
Meerut Cantt.

..Applicant

(By Advocate: Shri B.B.Trikha)

VERSUS

1. The Chairman,  
Union of India  
Ministry of HRD,  
New Delhi.
2. Commissioner/Jt.Commissioner(Adm.)  
& Appellate Authority  
KVS (Vigilance Section)  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110006.
3. The Principal  
KVS No.2, Jammu Cantt
4. Asstt. Commissioner  
KVS (Jammu Region)  
Govt. Hospital Road Gandhi Nagar,  
Jammu-180 004.

..Respondents

(By Advocate: Shri S.Rajappa)

O R D E R (ORAL)

By Shri Shanker Raju, Member (J)

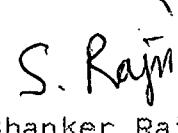
Heard the counsel for the parties.

2. Without prejudice to the merits of the case and also keeping in view the fact that the penalty of removal from service imposed on the applicant for her unauthorised absence for a period of only one month which has been justified by production of the medical certificate issued by the Army Authorities, for which there is presumption of genuineness, the punishment awarded shocks our conscience.

3. Accordingly, we set aside the appellate order and remand back the case to the appellate authority to reconsider the punishment imposed on the applicant within a period of three months from the receipt of copy of this order. On reduced penalty, we make it clear that the applicant would not get any consequential benefits except treating the intervening period as qualifying service for pension only in the light of decision of Apex Court in Bhagwan Lal Arya vs. Commissioner of Police, 2004 SCC (L&S) 661. No costs.



(S.A. Singh)  
Member (A)



S. Raju  
(Shanker Raju)  
Member (J)

/kdr/