



defence that was sought to be given by the appellant was regarding his domestic problem. Thus, admittedly the appellant, who was a responsible Government officer, remained absent from duties unauthorizedly and, therefore, he was guilty of the charge. The punishment, which was awarded by the disciplinary authority was reduction in pay in the present time scale of pay by two stages for a period of two years with cumulative effect and also to treat the period of absence from duty as not spent on duty for all intents and purposes. The aforesaid order passed by the disciplinary authority was challenged before the Appellate Authority. The Lt. Governor of Delhi is the Appellate Authority, who considered the aforesaid appeal and on consideration of the records rejected the said appeal under order dated 28.05.2007.

3. Being aggrieved by the aforesaid orders, a writ petition was filed, which was considered by the learned Single Judge. The learned Single Judge specifically recorded in her order that there is no allegation by the appellant that the inquiry proceedings were improperly conducted or that there was any violation of the principles of natural justice. On a perusal of the said order passed by the learned Single Judge, it appears to us that the only plea which was taken by the appellant before the learned Single Judge was regarding the quantum of punishment imposed on the appellant, which, according to the counsel was very harsh and disproportionate to the misconduct alleged. The learned Single Judge considered the said plea in the light of the records and held that the said punishment cannot be said to be harsh or disproportionate to the charges established when it is considered in terms of the long absence from duty of the appellant, which was unjustified and, therefore, it cannot be said that the punishment was disproportionate.

4. Same issue is raised before us by the counsel appearing for the appellant, who has submitted before us that the appellant is aggrieved basically because of the order of punishment whereby not only the appellant is reduced in pay in the present time scale of pay, but his absence is also treated to be a period not spent on duty and, therefore, the punishment is harsh and disproportionate. The appellant was a responsible Government officer and was fully acquainted with the conduct and discipline rules. He was unauthorizedly absent from duty for long period of four years. The appellant did not behave in a proper manner and his conduct in remaining absent for a long period without any authority itself was not proper. Despite the said fact, the respondents condoned his lapse to the extent of giving him only a penalty of reduction in pay and treating his long period of absence, which was unauthorized, as period not spent on duty.

5. The aforesaid punishment awarded to the appellant cannot be said to be in any manner harsh or disproportionate. We are unable to agree with the counsel appearing for the appellant that the punishment awarded was not justified. The appeal has no merit and is accordingly dismissed.

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In view of the fact that we have heard the counsel for the appellant on merits on the appeal, therefore, the application seeking for condonation of delay stands disposed of in terms of the aforesaid order.

**CHIEF JUSTICE**

**REVA KHETRAPAL, J**

**FEBRUARY 05, 2008**

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