

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2186 of 2017**

Budhadev Tudu S/o Gobinda Chandra Tudu, aged about 48 years, R/o Flat No. 201, Kalpakruti Apartment, Ashishnagar, Risali, Bhilai, Chhattisgarh, working in the post of Senior Manager (T&D Organization) At Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. Steel Authority of India, through its Managing Director, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.
2. Chairman-cum-Appellate Authority, Steel Authority of India, New Delhi.
3. Shri S.P.Jaggi, DGM (P-HRIS)-cum-Enquiry Officer, Bhilai Steel Plant, Bhilai, Durg, Chhattisgarh.

---- Respondents

For Petitioner	: Shri T.K.Tiwari, Advocate.
For Respondent/SAIL	: Shri Sourabh Kumar Pandey, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****12/05/2017**

1. We have heard the learned counsel for the Petitioner quite in extensio.
2. In this application under Article 227 of the Constitution, the challenge levied is to the decision of the Central Administrative Tribunal refusing to interfere with disciplinary proceedings initiated and confirmed through the appellate authority.
3. At the outset, we may notice that though the impugned decision was rendered by the Tribunal on 11.03.2016 and the certified copy was issued on 18.03.2016, this writ petition was presented only on 02.05.2017.
4. Learned counsel for the Petitioner makes reference to paragraph 7 of this

writ petition to say that the Petitioner's mother is ill and is in the State of Orissa and hence, the Petitioner has to commute off and on.

5. Be that as it may, we have examined the merits of the claim as well. The disciplinary authority imposed the punishment of reduction in grade from E-5 to E-3 with cumulative effect. That was modified by the appellate authority to be reduced from E-5 to E-4. The question is whether the imposition of penalty after holding the delinquent guilty is unfounded on the material facts and findings and still further, whether the punishment imposed is disproportionate.

6. We have seen the letter of punishment and the conclusions of the enquiring authority. The letter of punishment dated 07.05.2008 issued by the Managing Director is one endorsing the views of the enquiring authority considering the delinquent's appeal. The Chairman of the SAIL who is the appellate authority has made an issue-wise assessment of the contentions and the findings. The allegations, the defence and the conclusions of the appellate authority are discernible as has been set out in a methodic manner in para 4 of the Annexure P-5, appellate order. The said order which is crisp clearly discloses due application of mind by the appellate authority to the entire factual matrix of the case. That action has been taken by the appellate authority bestowing anxious consideration to all relevant aspects. This is discernible on a plain reading of the appellate authority's order. With that, we do not see that the Tribunal could be held as unjustified in holding that in the realm of judicial review of the disciplinary proceedings, there was no ground to interfere with the disciplinary proceedings at the instance of the delinquent. This writ petition under Article 227 of the Constitution of India, therefore, fails.

7. In the result, this writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE