

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21457-2016

Date of Decision: January 11, 2017

Nand Lal Maurya

.....Petitioner

Versus

Central Administrative Tribunal and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Karnail Singh, Advocate
for the petitioner.

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SURYA KANT, J.

The petitioner assails the order dated 26.05.2016 vide which the Central Administrative Tribunal, Chandigarh Bench has dismissed his original application wherein he laid challenge to the order imposing penalty of reduction to one stage lower in the time scale of pay for three years as a result of disciplinary action.

The petitioner is working as a Junior Engineer in the Northern Railways. He got registered a criminal case against one Tarlok Nath, who is also an employee of the Railways. It appears that the petitioner wanted

Tarlok Nath to be suspended as a result of his arrest in the criminal case. Since such an action was not taken to the entire satisfaction of the petitioner, he made a complaint, dated 16.03.2011 (Annexure A-15) against one A.N.Yadav alleging that no action was being taken against Tarlok Nath “*by taking bribe*”.

A preliminary enquiry was held and it was found that allegation of taking bribe by Mr.Yadav was totally false. This led to initiation of disciplinary action against the petitioner in which the subject punishment was imposed. The petitioner filed departmental appeal etc. before approaching the Tribunal. All his contentions have been duly dealt with by the Tribunal before holding that the impugned orders call for no interference.

The petitioner admittedly made a complaint to the Vigilance against A.N.Yadav and his complaint was found to be false. As the petitioner was guilty of defaming an official by making false allegations, it cannot be said that he has not committed any misconduct. The initiation of disciplinary proceedings was thus fully justified.

As regard to the nature of penalty which according to the petitioner is disproportionate to the nature of charge proved against him, we find that punishment is restricted to a term of three years only. Had it been a case of reduction to one stage lower in the time scale for an indefinite period, it could be said to be a case of excessive and disproportionate punishment. We thus, do not find it to be a fit case where this Court should interfere in the impugned action merely on the question of quantum of punishment.

No case to interfere with the order is made out.

Dismissed.

(SURYA KANT)
JUDGE

January 11, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |