

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.25376 of 2017
Date of Decision: November 08, 2017

Sports Authority of India, JN Stadium, Lodhi Road, New Delhi & another

...Petitioners

Versus

Central Administrative Tribunal, Chandigarh & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AJAY KUMAR MITTAL
HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Praveen Chander Goyal, Advocate &
Ms.Aarti Goyal, Advocate,
for the petitioners.

AMIT RAWAL, J.

1. Sports Authority of India has invoked the extraordinary writ jurisdiction of this Court under Articles 226/227 of the Constitution of India challenging the order dated 3.2.2017 (Annexure P-7) rendered by the Central Administrative Tribunal, Chandigarh Bench (for short "CAT") by partly accepting O.A.No.1182/PB/2002 converting the penalty of "removal from service" imposed upon the applicant-respondent No.2 into "compulsory retirement", by further modifying the punishment order dated 22.1.1998 (Annexure A-1) of the Disciplinary Authority and order dated 20.9.2002 (Annexure A-2) of the Appellate Authority.

2. Mr.Praveen Chander Goyal, learned counsel appearing on behalf of the petitioners submitted that on 14.12.1979, applicant-respondent No.2 joined the Sports Authority of India as Museum Assistant. In the year

1984, he was promoted as Museum Keeper and further as Assistant Director in March, 1992. On 17.3.1992, respondent No.2 joined the office of Regional Director at Gandhi Nagar.

3. On 20.7.1995, respondent No.2 was served with a charge sheet regarding submission of false claim for transportation of his personal belongings and also for claiming false travelling allowance (TA). By referring to the aforementioned contention, he drew the attention of this Court to the following charges levelled against respondent No.2:-

Article I:

That while working as Assistant Director, SAI, NSWC, Gandhinagar, Sh.Sarup Singh had submitted a false claim on account of shifting his personal belongings and also claiming false TA of his family members from Patiala to Gandhinagar. Thus, the said Shri Sarup Singh failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of an officer of SAI. He, therefore, contravened Rule 3(1) of CCS (Conduct) Rules, 1964.

Article II:

That while working in the aforesaid office and in the aforesaid capacity, Sh.Sarup Singh had submitted a false transportation claim for his household goods to be transported from Gandhinagar to Nanded. Thus, the said Sh.Sarup Singh failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of an officer of SAI. He, therefore, contravened Rule 3(1) of CCS (Conduct) Rules, 1964.

Article III:

That the said Sh.Sarup Singh while working in the aforesaid office and in the aforesaid capacity had claimed HRA by submitting a false certificate. Thus, by his above acts, Sh.Sarup Singh has failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of an

officer of SAI, thereby, contravening Rule 3(1) of CCS (Conduct) Rules, 1964.”

4. Dissatisfied with the reply submitted to the charge-sheet, an Inquiry Officer was appointed, who vide his report dated 10.10.1997 (Annexure A-14), indicted respondent No.2. An opportunity of hearing was given to respondent No.2 to submit a representation vis-a-vis the enquiry report. The competent authority/disciplinary authority, after considering the representation and all the material available on record, awarded punishment of 'Dismissal' from service with immediate effect on 22.1.1998 (Annexure A-1) and further ordered that the amount paid to respondent No.2 on account of false claims except his T.A. claim for himself for the journey from Patiala to Gandhinagar be recovered from his due entitlement.

5. Respondent No.2, without availing departmental remedies against the punishment order, filed O.A.No.145/PB/1998, which was dismissed on 25.8.1998 being premature and he was directed to file an appeal within 30 days, which was filed on 15.9.1998. The Appellate Authority observed that there was no justified ground for intervention, but modified the punishment to “removal from service” instead of “dismissal from service” in April, 1999. Against the said order, respondent No.2 filed O.A.No.875/PB/1999. Vide order dated 20.5.2002, the same was disposed of by remitting the matter to the Appellate Authority for passing a speaking order after giving personal hearing to respondent No.2. The Appellate Authority, on 20.9.2002, rejected the claim of respondent No.2 and reiterated that there was no reason to interfere with the punishment order, but reduced the punishment of “dismissal from service” to “removal from service”.

Respondent No.2 again approached the CAT by filing

O.A.No.1182/PB/2002. It was dismissed vide order dated 22.11.2002 (Annexure R-1), which was challenged by preferring Civil Writ Petition No.9824 of 2003 before this Court. Vide order dated 4.7.2003, the said writ petition was dismissed as withdrawn giving liberty to file a review application. On 9.3.2004, Review Application bearing No.93 of 2003 was also dismissed by the CAT. Respondent No.2 again approached this Court by filing CWP No.8477 of 2004. It was allowed vide order dated 12/22.3.2014, whereby the orders of the CAT rendered in the Original Application and the review petition were set-aside and the matter was remitted to the CAT to pass a speaking order after dealing with the issues, including the quantum of punishment. It is in this backdrop of the matter, the case continued to remain pending for over a period of 20 years.

7. It was also argued that the CAT has committed illegality and perversity in substituting the punishment of “removal from service” into “compulsory retirement” as respondent No.2 falsely claimed for transportation of household goods being 3000 Kgs from Patiala to Gandhinagar, which was serious in nature. The CAT, while modifying the penalty order from “removal from service” to “compulsory retirement” failed to take into consideration the implications of the same as grant of arrears of pension, including gratuity till date as well as liability of future pension would be substantial, particularly when the charges had been proved. The findings of the CAT by substituting the punishment of “removal from service” into “compulsory retirement” or having suffered agony of a prolonged litigation would be of no consequence.

8. We have heard the learned counsel for the petitioners, appraised the paper book and are of the view that there is no force and

merit in the submissions of the learned counsel.

9. The facts narrated above are not in controversy. The primary issue which would require consideration by this Court is whether the alleged charges against delinquent official-respondent No.2 were creating doubt on his integrity in the discharge of his official duties. The charges, as noted hereinbefore, do not lead to conclusion touching the integrity of the official in the discharge of his official duties. Further, respondent No.2 had falsely claimed for transportation of household goods being 3000 Kgs. from Patiala to Gandhinagar, on one occasion only and the amount involved therein did not exceed ₹5000/-. It is in this backdrop of the matter, the CAT considered to substitute the punishment of “removal from service” into “compulsory retirement” as applicant-respondent No.2 had faced wrath of prolonged litigation for almost 21 years. In such circumstances, we do not find that the decision rendered by the CAT was either erroneous or perverse warranting interference by this Court.

10. For the reasons stated above, no ground for interference is made out. Writ petition stands dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AMIT RAWAL)
JUDGE**

**November 08, 2017
ramesh**

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No