

(2014) 03 P&H CK 0191
In the Punjab And Haryana At Chandigarh
Case No : CWP-7411-CAT-2006

Chandigarh Administration

APPELLANT

Vs

Central Administrative Tribunal, Chandigarh Bench and
Others

RESPONDENT

Date of Decision : 20-03-2014

Acts Referred:

Citation : (2014) 03 P&H CK 0191

Hon'ble Judges : Sanjay Kishan Kaul, C.J.; Arun Palli, J

Bench : Division Bench

Advocate : Lisa Gill, for the Appellant;

Final Decision : Disposed Off

Judgement

Sanjay Kishan Kaul, C.J.—Both the department and the employee were aggrieved by the impugned order of the Central Administrative Tribunal, Chandigarh Bench dated 14.03.2006 and filed cross petitions being CWP-9583-CAT-2006 by the employee and the present one by the department. The grievance of the employee was against the findings holding him guilty of charges which were sustained by the Tribunal. That petition has been dismissed for non-prosecution by us today. The present petition is confined to the grievance of the Tribunal having interfered with the quantum of punishment. In terms of the original punishment imposed, respondent No. 2 - employee would get no pension. However, as per the impugned order, only one third cut in pension has been imposed qua the charges found against the employee.

2. The first limb of the submission of learned counsel for the petitioner/department is that in para 21 of the impugned order, a reference has been made to O.A. No. 991/CH/03 disposed of on 18.05.2004 where the order of penalty of cut in pension by one third was quashed by giving liberty to the respondents to proceed against respondent No. 2 herein as per Rules of 1970. This pertained to another disciplinary proceeding. In the impugned order, it has been observed that respondent No. 2 has since retired and no fresh order was passed in terms

of what was observed in O.A. No. 991/CH/03, which according to learned counsel for the petitioner, is contrary to record. She submits that fresh order was passed on 04.08.2005 which was assailed by the employee before the Tribunal in O.A. No. 925/CH of 2005. That petition is stated to be still pending and adjourned sine die for the reason that in the impugned order in the present case the employee has been held entitled to full pension ignoring the aforesaid aspect.

3. Since the aforesaid aspect emerged from separate disciplinary proceedings which have now resulted once again in one third cut in pension being imposed, that aspect could not have formed a subject matter of adjudication in the present case. As to what would be the fate of those proceedings can only be decided in the challenge laid to those disciplinary proceedings. Thus, the result of the impugned order ought to have been that respondent No. 2 would be entitled to a cut of one third of the pension as a consequence of the disciplinary proceedings involved in the present case. He would, thus, get two third of the pension and not the full pension that too subject to the fate of the proceedings pending before the Tribunal and the other disciplinary proceedings which, if sustained, would reduce the pension of respondent No. 2 further to one third.

4. We clarify accordingly.

5. The other plea of learned counsel for the petitioner is that there was in fact no interference called for on the issue of quantum of punishment and the full cut in pension ought to have been imposed as respondent No. 2 has already retired from service.

6. We have dismissed the petition of the employee for non-prosecution. In view thereof and in the given facts and circumstances of the case, we are, thus, not interfering with the issue of reduction in punishment to the extent that the full cut in pension in the present case has been reduced to one third cut in pension making it clear that if CWP-9583-CAT-2006 is revived, we would examine this aspect also at that stage of time. The petition accordingly stands disposed of.