

(2011) 11 JH CK 0100
In the Jharkhand High Court
Case No : Writ Petition (S) No. 667 of 2011

Ram Briksh Ram	Vs	APPELLANT
The Union of India and Others		RESPONDENT

Date of Decision : 22-11-2011

Acts Referred:

Citation : (2012) 1 JCR 225 : (2012) 1 JLJR 142

Hon'ble Judges : Prakash Tatia, C.J;P.P. Bhatt, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. By Court- Heard learned counsel for the parties.
2. The petitioner is aggrieved against the order dated 7th December, 2009 passed in O.A. No. 08 of 2007 by the Central Administrative Tribunal, Patna Bench, Patna, Circuit Court at Ranchi, wherein the order of penalty reducing the petitioner's pay by three stages to Rs. 5600/- in his scale of pay of Rs. 4000-6000/- for a period of two years (non-cumulative) with effect from 1st February, 2003, was challenged. The petitioner's OA was dismissed.
3. Learned counsel for the petitioner submitted that petitioner was served with chargesheet for major punishment, although enquiry was conducted as per the Rules provided for minor penalty and thereafter such penalty was imposed upon the petitioner. However, according to the learned counsel for the petitioner, penalty imposed upon the petitioner is minor penalty.
4. We found from the record that it is not in dispute that the petitioner remained absent from duty and he could not give any satisfactory explanation for not seeking leave and in that circumstances if such penalty was imposed and the Tribunal reached to the conclusion that the penalty cannot be said to be shockingly disproportionately, it cannot be interfered.
5. In view of the above, we do not find any merit in the writ petition. At this

stage, learned counsel for the petitioner has submitted that the petitioner was wrongly denied the increment of the month of May, 2005, for which the Tribunal observed that because of the punishment imposed the petitioner could not have been given increment.

That issue is independently a separate matter with respect to not giving increment but that is not the part of the penalty imposed upon the petitioner and the Tribunal had only subject matter of the disciplinary proceeding wherein order has been passed only of reducing pay by three stages of the petitioner. Therefore, the writ petitioner having no merit, is dismissed. However, if the petitioner is entitled to for increment of May, 2005, in accordance with law, then he will be free to avail that remedy because in the impugned punishment order, there is no punishment of denying the increment of May, 2005.