

the Central Administrative Tribunal (for short, 'the Tribunal').

By an order dated 10.12.2009, the Tribunal set aside the order of punishment with a direction to the disciplinary authority to pass fresh order. Paragraph 6 of the Tribunal's order reads as under:

"As referred to earlier, circumstances appear

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to be rather strange. The applicant has not disowned his signature but the factual scenario brought about by the examination of the witnesses show that he had not been given opportunity to go through the files before recording his sanction. The files were also not produced in the inquiry for reference or verification. Whether or not the applicant had not been prudent enough in signing the order of sanction without going through the records are not within the scope of our examination, but essentially it had come out to be a situation where he had spoken the truth before the criminal Court, namely, that he had no opportunity to go through the record at the time when the sanction for prosecution was given. Taking notice of the cumulative circumstances of the case and the tenor of the opinion rendered by the Inquiry Officer, we are of the view that a punishment which would have affected the career of the applicant should not be punishment which would have affected the career of the applicant should not be operative. He should have been let off with a warning at the most. Therefore, we set aside the order. In view of our observations as above, the disciplinary authority will be required to pass fresh orders as might be in his discretion. The O.A. is disposed of as above. No costs."

The respondents challenged the Tribunal's order in Writ Petition (C) No. 2488/2010, which has been allowed by the Division Bench of the High Court.

We have heard learned counsel for the petitioner. In our view, the Tribunal had clearly exceeded its jurisdiction by interfering with the order of punishment passed by the disciplinary authority. Undisputedly, the

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petitioner had given sanction for prosecution of Phool Singh who, as mentioned above, was caught red handed accepting bribe of Rs.10,000/-. The post sanction conduct of the petitioner was certainly unbecoming of a government servant. The petitioner's assertion that he had granted sanction because he was pressurized by the superior officers or that he had not seen any documents or evidence was rightly disbelieved by the disciplinary authority and the Tribunal gravely erred by interfering with the order of punishment.

Therefore, the order passed by the High Court cannot be faulted.

With the above observations, the special leave petition is dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master