

No. 28/3/94-3GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 3rd May, 1994.

Subject :— Jurisdiction of the CAT in the matter of disciplinary action against Government servants.

Sir,

I am directed to address you on the subject mentioned above and to forward herewith a copy of OM No. 11012/6/94-Estt. (A), dated 28-3-94 received from the Deputy Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), New Delhi, for information and guidance.

Yours faithfully,

Sd/-

Under Secretary, General Administration-I,
for Chief Secretary to Government, Haryana.

A copy, alongwith a copy of its enclosure, is forwarded to all the Financial Commissioners/Commissioners and Secretaries to Government, Haryana for information and guidance.

Sd/-

Under Secretary, General Administration-I,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners and Secretaries to Government, Haryana.

U.O. No. 28/3/94-3GSI Dated Chandigarh, the 3rd May, 1994.

Copy of OM No. 11012/6/94-Estt. (A) dated 28.3.94 received from the Deputy Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), New Delhi addressed to the Chief Secretaries of all States.

Subject :— Jurisdiction of the CAT in the matter of disciplinary action against Government servants.

The undersigned is directed to refer to this Department OM No. 11012/1/90-Estt. (A) dated 28th February, 1990 on the above subject to in which the ruling of the Supreme Court in Parma Nanda's case (1989 (2) SLR 410) was circulated for information of the Ministries/Departments. In a recent Judgement in the case of State Bank of India Vs. Samarendra Kishore Endow (1994 (1) SLR 516) the Supreme Court has reiterated the said ruling that a High Court or Tribunal has no power to substitute its own direction for that of the authority.

2. In this Judgement the Supreme Court has observed as under :—

On the question of punishment, learned counsel for the respondent submitted that the punishment awarded is excessive and that lesser punishment would meet the ends of justice. It may be noticed that the imposition of appropriate punishment is within the discretion and