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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1769/2002

Thursday, this the 1st day of August, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (Admn)

A.K. Tiwari
aged about 40 years
s/o Shri S.C.Tiwari
working as Sr. Booking Clerk
Central Telephone Enquiry
DRM's Office, State Entry Road
New Delhi-1

..Applicant

(By Advocate: Shri Anis Suhrawardy)

Versus

1. Union of India
through General Manager (Vig.) -
Northern Railway
Headquarters Office Baroda House
New Delhi
2. Divisional Railway Manager
Northern Railway, DRM Office
State Entry Road
New Delhi
3. Additional Divisional Railway Manager
Northern Railway, DRM Office
State Entry Road
New Delhi
4. Sr. Divisional Commercial Manager
Northern Railway, DRM Office
State Entry Road
New Delhi
5. Divisional Traffic Manager
Northern Railway, DRM Office
State Entry Road
New Delhi
6. Chief Vigilance Officer (Traffic)
Northern Railway Headquarter Office
Baroda House, New Delhi

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicant cleared the prescribed test as well as qualified in the interview held for the post of Goods Guard. However, he was not sent on training and that was

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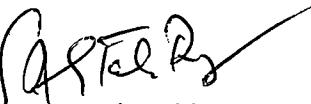
due to disciplinary proceedings then pending against him. The applicant sought this Tribunal's intervention and succeeded in securing a direction from this Tribunal requiring the respondents to send him for training on a provisional basis. In compliance of the aforesaid direction, the applicant was sent on training and he cleared the course as also another course of 14 days of practical line training thereafter. Meanwhile, the disciplinary proceedings culminated in orders dated 16.8.2000 by which a penalty of withholding of increment for three years on permanent basis was imposed on him. Thereafter, on 11.1.2002, ADRM made a recommendation to the Chief Vigilance Officer (Traffic) to agree to the modification in the aforesaid penalty of withholding of increment by reducing the period from three years to one year. This was not agreed to and finally, on 10.4.2002, the ADRM has passed orders upholding the penalty imposed by the disciplinary authority by which his increment has been withheld permanently for a period of three years (A-2). While the aforesaid matter was under consideration, the respondent-authority has ~~passed~~ ^{issued} a notice on 4.9.2001 (A-1) indicating therein that the applicant could not be posted as Goods Guard on account of the aforesaid penalty remaining in force. The aforesaid notice has been impugned in the present OA along with the order dated 10.4.2002 passed by the appellate authority upholding the aforesaid penalty imposed on the applicant.

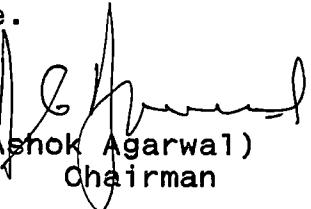
2. We have heard the learned counsel appearing on behalf of the applicant. Nothing has been placed before

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us and no argument has been advanced to enable us to take a view on the legality or propriety of the order passed by the appellate authority on 10.4.2002. We cannot, therefore, find any fault with the same. That being the case and for the same reason, we cannot find any fault with the respondents' decision not to post him as Goods Guard as yet in view of the ~~pendency~~^{& currency} of the penalty imposed upon him. Moreover, the aforesaid two reliefs sought by the applicant in the present OA are not consequentially connected with each other. The present OA suffers from the vice of multifariousness as well.

3. In the light of the forgoing, we find no merit in the OA and the same is dismissed in limine.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/