

Central Administrative Tribunal, Principal Bench

Original Application No.2522 of 2001

New Delhi, this the 24th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

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Shri Yatinder Nath Rai
s/o Shri Jayantee Sharan Rai
Ex. Electrical Chargeman Gr. 'B'
Under Senior Superintendent
Train Lighting
Northern Railway, Railway Station
New Delhi

- Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India, through

1. The General Manager
Northern Railway,
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway,
State Entry Road,
New Delhi

- Respondents

O R D E R (ORAL)

By Mr. M.P. Singh, Member (A)


Applicant was appointed as Chargeman grade 'B' on 17.12.76. Since no railway accommodation was allotted in favour of the applicant, he had taken on rent a house of one Shri O.P. Sachdeva in Rishi Nagar, Rani Bagh, Delhi. According to the applicant, he was asked by the Train Lighting Inspector Shri Mohan Lal Malhotra to vacate the aforesaid house of Shri Sachdeva. Thereafter the applicant was transferred to Jagadhri Workshop vide letter dated 11.6.85. However, the applicant did not join his duties at the place of transfer. Thereafter he continued to remain on unauthorised absence. A chargesheet was issued and enquiry was conducted by the respondents. Notices were sent to the applicant to participate in the enquiry but the

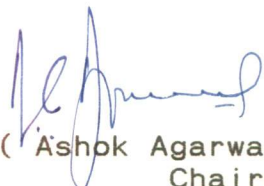


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applicant did not turn up to participate in the enquiry. Enquiry was concluded and finding of the enquiry officer was that the charges were proved. A copy of the enquiry report was sent to the applicant which was sent back by the postal authorities stating that the applicant has refused to accept the same. Thereafter the disciplinary authority has passed the order dated 29.8.99 imposing a penalty of removal from service upon the applicant. A copy of the order of penalty alongwith enquiry report was sent to the applicant which was also refused to be accepted by the applicant. Thereafter, both these documents were pasted at his residence.

2. From the documents placed before us, we are satisfied that the applicant was given ample opportunity to participate in the enquiry and also to join his duty in the new place of posting. The applicant neither participated in the enquiry nor joined the new place of posting, rather he remained absent from duty unauthorisedly for about 16 years. The contention of the applicant that he did not receive a copy of the chargesheet, enquiry report and other documents, cannot be accepted as all efforts were made by the respondents to serve all these documents upon him but he has been consistently refusing to accept any document and after 16 years he has filed the present OA stating that he has not received any document from the respondents. This contention of the applicant cannot be accepted and therefore, this OA is found to be devoid of merit. It is accordingly dismissed.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

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