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Central Administrative Tribunal, Principal Bench

O.A. 1330/97

New Delhi, this the 31st day of May, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri A. Gabur S/o Shri Nabindra Gabur
R/o 79, B-3, Railway Colony,
Tughlakabad, New Delhi-44.Applicant

By Advocate: None.

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Chief Commercial Manager/G,
Northern Railway,
Baroda House,
New Delhi.
3. Chief Area Manager,
Delhi Division,
Northern Railway,
State Entry Road,
New Delhi.
4. Divisional Traffic Manager,
Delhi Division,
Northern Railway,
State Entry Road,
New Delhi.Respondents

By Advocate Shri B.S. Jain.

ORDER (ORAL)

By Hon'ble Mr. S.R. Adige, Vice Chairman (A)

1. Applicant impugns the disciplinary authority's order dated 7.6.95 (Annexure A-3), appellate authority's order dated 31.8.95 (Annexure A-2) and the revisional order dated 19.2.97 (Annexure A-1).

2. Applicant was proceeded against departmentally on the charge that while posted as

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Parcel Clerk at New Delhi Railway Station a consignment of one package was unloaded on 17.5.92 during his duty but while making over charge to Shri R. Misra, he did not make over this package separately for further disposal causing a loss of over Rs. 1 lakh to the consignee.

3. The Enquiry Officer in his report (Annexure A-10) held the charge partially proved.

4. A copy of the Enquiry Officer's report was furnished to applicant on 5.5.95 (Annexure A-10) for representation, if any.

5. Applicant submitted his representation on 15.5.95 (Annexure A-11), on receipt of which, the disciplinary authority after considering the contents of the same and the other materials on record, agreed with the Enquiry Officer's findings and imposed upon applicant a penalty of reduction of pay to the beginning of the scale for a period of 3 years with cumulative effect.

6. On appeal, the disciplinary authority by order dated 31.8.95, reduced the penalty of withholding increment for a period of 2 years which was further reduced in revision vide order dated 19.2.1997 (Annexure A-1) to WIT for one year only without cumulative effect.

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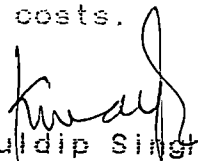
7. None appeared for the applicant when the case was called out. Shri B.S. Jain appeared for respondents and has been heard.

8. During the course of hearing, Shri Jain has invited our attention to the statement of Shri V.K. Julka, during cross examination by defence helper in which he stated that during the course of investigation by him, the applicant had stated that he had made over charge to Shri Misra regarding the consignment but had failed to get his signature in the charge diary.

9. Our attention has further been invited to para 6.1.1. of Enquiry Officer's report wherein he has concluded that the charge against the applicant was proved to this extent that he failed to get the signature of his relief and did not mention the details of packages handed over by him to his relief. Moreover the applicant had not consulted the unloading book while giving his statement to the Vigilance and stated wrongly that he had made over the charge to Shri Misra although Shri Misra had not attended the duties on that day as per entries in the unloading book.

10. In the light of the above, applicant has not been able to make out a case to warrant judicial interference in the OA, which is accordingly dismissed.

No costs.


(Kuldeep Singh)
Member(J)


(S.R. Adige)
Vice Chairman(A)

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