

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

O.A.No.2256/94

New Delhi, this the 19th day of July,1999

HON'BLE MR.JUSTICE D.N.BARUAH, VICE CHAIRMAN
HON'BLE MR.N.SAHU, MEMBER (ADMNV)

Shri P.N.Bajpai,
S/o Shri M.N.Bajpai,
Booking Clerk,
Northern Railway, Ghaziabad
R/o 105/4, Bholanath Nagar,
Shahadara, Delhi-51

....Applicant

(By Advocate: Shri S.K.Sawhney)

Versus

1.Union of India through
General Manager,
Northern Railway,
Baroda House, New Delhi.

2.Divisional Railway Manager,
Northern Railway,
Chelmsford Road,
New Delhi.

3.Divisional Traffic Manager,
Northern Railway,
DRM Office, Chelmsford Road,
New Delhi

....Respondents

(By Advocate: Shri R.L.Dhawan)

O R D E R (ORAL)

BY BARUAH, J.-


At the relevant time, the applicant was a Booking Clerk at Ghaziabad Railway Station (Northern Railway). An Article of Charge alongwith the statement of imputation was issued to the applicant by the Disciplinary Authority asking him to show-cause why the disciplinary action should not be taken against him on the ground of misappropriation of money. The applicant submitted reply to the show-cause.



The disciplinary authority, however, decided to hold an inquiry. During inquiry, disciplinary authority examined three witnesses. Statements of the applicant was also recorded. No defence witnesses were examined. On conclusion of the inquiry, the Inquiry Officer submitted his report finding the applicant guilty of the charge. The disciplinary authority, agreeing with the conclusion arrived at by the Inquiry Officer, imposed penalty by lowering three steps for three years in the same time-scale with effect on future increments. Against this punishment, the applicant preferred an appeal before the appellate authority and the same was dismissed by the appellate authority, finding no merit in that. Hence this O.A.

2. The respondents have filed the written statement controverting the averments made in the application. We have heard both sides.


3. Shri Sawhney has challenged the penalty imposed by the disciplinary authority by Annexure A-2 on the ground that the finding of the Inquiry Officer was perverse in as much as there was no incriminatory evidence against the applicant in respect of misappropriation of money. He also submits that the witnesses examined on behalf of the disciplinary authority did not support the case. Shri Sawhney's next submission is that the disciplinary authority did not apply his mind and the order passed was a non-speaking and cryptic one.



4. Shri Dhawan, on the other hand, refutes the submission of Shri Sawhney. According to him, the applicant himself admitted the receipt of money.


5. The plea of shortage of staff is no ground. Normally, this Tribunal does not reappreciate the evidence on record as it does not sit as a court of appeal. Therefore, the conclusion arrived at by the disciplinary authority or for that matter by the Inquiry Officer, may not be interfered with ~~on~~ reappreciation of evidence even though this Tribunal might come to a different conclusion. The Tribunal may interfere only when it appears that the finding arrived at is perverse or on no evidence. In this case, as the learned counsel for the applicant has challenged the finding on the ground of no evidence, we have perused the same but we find that the findings arrived at by the disciplinary authority was not without evidence, particularly when the applicant himself admitted that he received the money and did not deposit. Therefore, we find no force in the submission of the learned counsel for the applicant on this ground.


6. Shri Sawhney's next contention is that the appellate order is a non-speaking order. We have perused the appellate order and find that the appellate authority considered the case of the applicant and passed the order. It does not appear to us that the order is not a speaking order. Shri Sawhney also submits before us that there was total non-application of mind by the disciplinary authority



while passing the impugned order as according to him, it was dealt with in a different file. We don't find any force in this submission.

7. Accordingly, we find no ground to interfere with the decision of the disciplinary authority and the appellate authority. The application is accordingly rejected. Considering the facts and circumstances of this case, no order as to costs.


(N. Sahu)
Member(Admnv)


(D.N. Baruah)
Vice Chairman(J)

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