

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 284 of 1994

New Delhi this the 20th day of July, 1999

(5)

HON'BLE MR. JUSTICE D.N. BAWLAH, VICE CHAIRMAN  
HON'BLE MR. N. SAHU, MEMBER(A)

Shri A.P. Sharma  
S/o Shri Shyam Sunder Lal  
R/o C-3/261 Yamuna Vihar,  
Gokulpuri,  
Delhi Shahdara. ..Applicant

By Advocate: None.

Versus

1. Union of India through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Northern Railway,  
Moradabad. ..Respondents

By Advocate Shri R.P. Aggarwal.

ORDER (ORAL)

Hon'ble Mr. Justice D.N. Bawlah, Vice-Chairman

The applicant at the material time was the Assistant Station Master at Amroha in the Northern Railway on 7.7.1989. His duty hours/from mid-night to 8.0<sup>0</sup> A.M. but he was found absent at about 7.15 A.M. This was noticed by Shri R.K. Singh, Assistant Operating Superintendent (C) who visited the Station Master's office in his absence. Because of his absence another person Shri K.R. Navini was given charge to perform the duties of the applicant. Thereafter,

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the Disciplinary Authority framed article of charges for his gross negligence in performance of his duty.

The article of charges along with the statement of imputation were served on the applicant asking him to show cause why disciplinary action should not be taken against him. The applicant duly replied to the show cause notice. Thereafter, the Disciplinary Authority not being satisfied with the reply decided to hold enquiry. An Enquiry Officer was appointed. On completion of the enquiry, the Enquiry Officer submitted his report on the charges. The Disciplinary Authority agreeing with the conclusion arrived at by the Enquiry Officer found him guilty and accordingly awarded him punishment for withholding of increments temporarily for a period of 3 years. Being aggrieved by and dissatisfied with the punishment imposed, the applicant preferred an appeal before the appellate authority. The appellate authority in the due course disposed of the appeal by rejecting it. Being still aggrieved, the applicant preferred a revision petition before the revisional authority. The revisional authority disposed of the revision and passed the following order:-

"Denovo action should be initiated from the stage of furnishing copy of Enquiry report before imposing the penalty as required under P.S. No.10037".

The Disciplinary Authority on receipt of the revisional order disposed of the matter after furnishing a copy of the Enquiry Report and the punishment was reduced from 3 years to 2 years. The applicant again preferred

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an appeal which was dismissed and the applicant thereafter filed a revision. The revisional authority passed the following order:-

"Shri A.P. Sharma saw me in office on 24.2.93. If Sr. DOM thought it fit to award punishment for 2 years WIT even after a review, I see no reason to cancel the punishment".

Hence, the present OA.

2. The respondents have entered appearance and have a written statement controverting the claim of the applicant. The counsel for the applicant is not present. The applicant is also not present. Shri Aggarwal, the learned counsel appearing of the respondents is, however, present. We have perused the papers and heard Shri Aggarwal.

3. On a persual of the papers and hearing the counsel we find no infirmity in the orders passed by the authorities concerned and, therefore, we see no ground to interfere with the orders passed and, accordingly the application is dismissed.

4. However, considering the facts and circumstances of the case, we make no order as to costs.

N. SAHU

(N. SAHU)  
MEMBER (A)

D.N. Baruah

(D.N. BARUAH)  
VICE CHAIRMAN

Rakesh