

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 291 of 1994

(7)

New Delhi this the 22nd day of July, 1999

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

D.K. Sharma

S/o Shri Ram Singh Sharma  
R/o G-76A Sector-9,  
New Vijay Nagar,  
Ghaziabad (UP).

...Applicant

By Advocate S. Mehandi Imam.

Versus

1. The Union of India through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Delhi Division,  
Near New Delhi Railway Station,  
New Delhi.
3. The Senior Divisional Operating Manager,  
Northern Railway Delhi Jn.  
New Delhi.
4. The Divisional Operation Manager (M),  
Northern Railway,  
Delhi Division,  
New Delhi. ..Respondents

By Advocate Shri R.L. Dhawan.

ORDER (ORAL )

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman

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The applicant at the relevant time was Guard  
with Ghaziabad as his Headquarter. On 3.6.92 three  
charges were framed against the applicant for his  
negligent in his duty. The Article of charges with  
the statements of imputation were served on the  
applicant asking him to show cause why the disciplinary

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action should not be taken. The applicant submitted his reply. However, the Disciplinary Authority was not satisfied with the reply and accordingly he decided to hold the enquiry. An Enquiry Officer was appointed. The Enquiry Officer conducted the enquiry and thereafter submitted his report holding him guilty of all the charges. The Disciplinary Authority on the basis of the enquiry report by Annexure A-2 order imposed penalty of dismissal from service with immediate effect. Being aggrieved, the applicant preferred an appeal to the appellate authority. The appellate authority held him guilty of the charges, however, the penalty was modified from removal to the reduction of pay in the time scale bringing him to the initial of the scale for a period of one year without cumulative effect. Hence, the present application.

2. S. Mehandi Imam, the learned counsel who appeared on behalf of the applicant has informed this Tribunal that he has no instructions to make any submissions. We have heard Shri R.L. Dhawan, the learned counsel appearing for the respondents. We have also perused the pleadings with annexures. is

3. The first ground of the applicant/ that he was not supplied with the documents he asked for. But Mr. Dhawan has drawn our attention to para 4.4 of the written statement. In the said paragraph the respondents have stated that the documents asked for were supplied and also the additional documents

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and those were duly acknowledged. A rejoinder to the counter-affidavit was filed but in that reply to para 4.4. the applicant has not disputed the fact. In view of the above, we find no force in the ground for non-supply of documents. On the other grounds also we find no substance. Accordingly, we find no ground to interfere with the order of punishment as modified by the appellate authority. The application is rejected, however, no costs.

N. Sahu

(N. SAHU)  
MEMBER (A)

D.N. Baruah

(D.N. BARUAH)  
VICE CHAIRMAN

Rakesh