

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.853/2000

New Delhi, this 12th day of May, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Smt. Shanta Shastray, Member(A)

L.N. Namdeo
r/o Seth Chote Lal
Purani Chandrawal
Khyber Pasz, Delhi-6 .. Applicant

(By Shri S.K.Bisaria, Advocate)

versus

Union of India, through

1. General Manager
Central Railways
VT, Mumbai
2. D.R.M. Central Railways
Jhansi
3. Sr. D.C.M., Central Railways
Jhansi .. Respondents

ORDER(oral)

Hon'ble Shri Justice Ashok Agarwal

An Enquiry Officer was appointed by order dated 23.2.98 to enquire into the charges levelled against the applicant. Based on his findings, the disciplinary authority vide order passed on 13.8.98 has imposed on the applicant a penalty of removal from service. The appellate authority by ^{an} order passed on 13.10.98 has reduced the penalty from that of removal from service to compulsory retirement. Both these orders are impugned by filing the present OA, which is ^{belatedly} filed on 10th May, 2000.

2. The applicant has filed MA 1105/2000 for condonation of delay. Financial stringency and illness are the grounds set out for condoning the delay. In our view, the grounds set out in the MA are not sufficient in ^{favourable} order to pass ^{an} order on the MA. The MA is rejected.

3. Even on merits we find that the impugned orders ~~passed~~ against the applicant cannot be set aside in that the applicant, who was a Railway guard was found to be in an unconscious state under the influence of liquor while on duty. In the circumstances, we find that no other ~~could have been~~ penalty ~~can be~~ imposed against the applicant than the one that has been imposed as the applicant was found to be a person who cannot be kept in railway service as he ~~unconscious~~ was found ^{under} influence of intoxication ~~in unconscious~~ state while on duty, thus jeopardizing lives of thousands of passengers.

4. The present OA is devoid of merits. The OA is accordingly dismissed.


(Ashok Agarwal)
Chairman


(Smt. Shanta Shastray)
Member(A)

/gtv/