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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. NO.1516/89

Tuesday, this the 12th day of April, 1994.

SHRI N. DHARMADAN (J)
SHRI P.T. THIRUVENGADAM (A)

Vinod Kumar,
R/o. BR-49-C, Shalimar Bagh,
Delhi-110 052.

... Applicant

By Advocate M/s. Umesh Mishra & Co. (None present)

V/s

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

2. Divisional Mechanical Engineer,
Cochin, Northern Railway,
New Delhi.

... Respondents

By Advocate Shri P.S. Mahendru.

ORDER

N. DHARMADAN (J)

Even though the case was called twice, none represented for the applicant. Hence, we have heard the learned counsel for the respondents and also perused the pleadings.

2. Applicant is challenging Annexures-A, B and C, the orders passed by the statutory authorities imposing ^{punishment of} dismissal of the applicant from service pursuant to the disciplinary proceedings. The charges framed against the applicant are as follows:-

" i) He withdrawn Rs.1900/- on the Pay Order No.672944 dated 8.6.86 passed in favour of Shri Ram Prakash, Helper Khalasi/TKD for P.F.Advance by forging the signature of Shri Ram Prakash fraudulently and witnessing the payment himself with malafide intention to grab the amount.

ii) He did not make the recovery of P.F.Advance from the pay of Shri Ram Prakash, Helper Khalasi as his duty as Bill Clerk for fear of detection of his act as mentioned above with malafide intention. "

. 2/-

After duly appointing an enquiry authority, an enquiry was conducted. The enquiry authority found the applicant guilty and submitted his report to the disciplinary authority. The disciplinary authority agreed with the ~~conclusions arrived~~ at by the enquiry authority and imposed the penalty of dismissal from service on the applicant, as per Annexure-A order. The appeal filed by the applicant against the punishment order was dismissed by the appellate authority as per Annexure-B order. His revision petition was also rejected as per Annexure-C order. All the three orders are challenged in this original application. The applicant has raised various contentions in this application. But the learned counsel for the respondents submitted that the applicant ~~virtually admitted~~ the charge and it can be seen from Annexure-E appeal memorandum filed by the applicant. It can be seen from para 2 of the statements in the appeal memorandum that the applicant has signed the draft in the name of Ram Prakash and encashed the amount. But, when it was brought to the ^{notice of the} Vigilance Department he deposited the amount of Rs.1900/- with the DCP, New Delhi on 7.12.1987. The draft is dated 8.6.1986. It is seen from the records that the applicant was unauthorisedly utilising the sum of Rs.1900/- for a long period and this itself is sufficient to establish that the applicant has forged the signature of Ram Prakash and fraudulently grabbed the amount. However, the charge is proved as found by the statutory authority as per Annexures-A, B and C.

3. Having considered the facts and circumstances of this case, we are of the view that there is no substance in this application and it is only to be rejected. Accordingly, we dismiss the same without any order as to costs.

P.T. Thiruvengadam
(P.T.THIRUVENGADAM)
MEMBER(A)

N. Dharmadan
(N.DHARMADAN)
MEMBER(J)

12.4.94

v/-