

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A.No.2426/89

New Delhi, this the 11th day of May, 1994.

HON'BLE SHRI S.R.ADIGE, MEMBER (A).

HON'BLE MRS.LAKSHMI SWAMINATHAN, MEMBER (J).

Shri Sushil Chander s/o  
Shri Tulsi Ram,  
Reservation Clerk,  
New Delhi Railway Station,  
New Delhi.

..Applicant.

(By Shri Bandhir Singh, Advocate)

Vs.

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

2. The Manager Data Base C.R.,  
I.R.C.A Building, New Delhi.

..Respondents

(By Shri O.P.Kshatriya, Advocate)

ORDER

HON'BLE SHRI S.R.ADIGE, MEMBER (A).

None appeared for the applicant even on the  
*and a*  
second call, inspite of giving considerable time  
thereafter. Shri O.P.Kshatriya, learned counsel  
for the respondents was present and was heard.

2. The applicant Shri Sushil Chander, Reservation  
Clerk, Northern Railway, New Delhi has impugned the  
appellate order dated 27-5-88 (An.K) imposing a  
penalty of withholding Increment permanently (WIP)  
for two years, consequent to his having *been found guilty*  
of certain charges against him as a result of a  
departmental proceeding.

3. We have perused the materials on record and  
heard Shri Kshatriya. It appears that the applicant  
was proceeded against departmentally on the charges  
*been*  
of Rs.761/- having *found* short in the Govt. cash;  
issue of ten tickets for Varanasi in favour of  
Shri Mehboob & Party to one tout without realising

the fare; acceptance of incomplete requisition slips and failure to enter the names of Mehboob & Party in the reservation chart.

4. A departmental enquiry was conducted against the applicant in which the E.O. after examining the witnesses and scrutinizing the materials on record held that all the charges against the applicant were proved. The disciplinary authority imposed a punishment of withholding increments permanently for 3 years which were reduced to WIP for two years by the impugned appellate order.

5. The grounds taken by the applicant in his O.A. relate mainly to the assertion that the applicant was under great pressure of work when the defects and errors were noticed; that shortage of government cash is a common feature in commercial dealings and that he made good the loss that had been detected; the prosecution failed to name the tout to whom the tickets had been alleged to be issued; that the prosecution did not verify certain facts as through whom the passengers had purchased the tickets <sup>while an</sup> ~~and holding~~ that the applicant had failed to enter the names of Mehboob & Party in the reservation chart.

6. This Tribunal cannot reappreciate the evidence that has been tendered in a departmental proceeding. The applicant has not alleged that the rules of natural justice <sup>herein</sup> ~~were~~ not followed and that he was not given an adequate opportunity of being heard to enable him to present his case. He has also not alleged ~~any~~ any violation of rules and procedures. As a Tribunal, we also cannot go into the quantum of punishment that has been imposed on the applicant.

7. Under the circumstances, we see no reason

to interfere with the impugned order and this application is accordingly dismissed. No costs.

*Lakshmi Swaminathan*  
(LAKSHMI SWAMINATHAN)  
Member (J).

*Anil Dighe*  
(S.R. ADIGE)  
MEMBER (A)