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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 1349/88

New Delhi this the 2nd day of December, 1993.

Shri Justice V.S. Malimath, Chairman.
Shri S.R. Adige, Member(A).

Shri Nawal Kishore Sharma,
S/o Shri Deep Chand Sharma,
Special Ticket Examiner under
Divl. Chief Ticket Inspector,
Northern Railway,
Delhi.

... Petitioner.

By Advocate Shri S.K. Sawhney.

Vs.

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

... Respondent.

By Advocate Shri P.S. Mahendru.

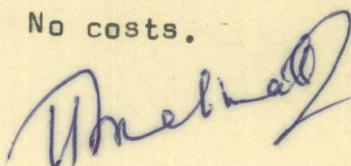
O R D E R

Shri Justice V.S. Malimath.

The petitioner complains about the minor penalty inflicted on him of withholding of one increment for two years. The petitioner is charged with the offence of concealing true information of vacancy position of berths in the railway train. The explanation offered by him is that he could not give the correct vacancy position firstly on the ground that there was a rush on account of the movement of the military personnel in which his spectacles were broken and secondly on the ground that there was dim light which rendered it difficult for him to give the correct picture. As this is a case of imposition of minor penalty, all that was required to be done by the authorities was to consider the representation of the petitioner and pass an appropriate order. The disciplinary authority passed an order imposing penalty of one increment for three

years which was reduced to two years by the appellate authority.

2. Shri Sawhney, learned counsel for the petitioner, stated that the material produced in this case shows that the orders have been passed by the disciplinary authority as also the appellate authority mechanically without applying their mind to the cause shown by the petitioner. We have ourselves looked into the record as also the reply filed by the respondents. Assuming Shri Sawhni is right in his contention that the authorities have passed orders mechanically without applying their mind, but on consideration of the cause shown by the petitioner, we are inclined to take the view that the ultimate decision taken by the authorities is not erroneous. The explanation offered by the petitioner is not reasonable and satisfactory. Hence, we see no good ground to interfere with the imposition of penalty to the petitioner. This petition fails and is accordingly dismissed. No costs.



(V.S. MALIMATH)
CHAIRMAN

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(S.R. ADIGE)
MEMBER(A)

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