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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

...

Registration U.A. No. 1215 of 1987

Prem Prakash applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Ms. Usha Savara, Member (n)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Tele Communication Maintainer in the Northern Railway on 2.8.1971, which was redesignated as Telephone Operator. According to the applicant ~~he~~ late had the misfortune of incurring displeasure of Respondent no. 3 under whom he was presently employed. The applicant was placed under suspension by ~~any~~ order dated 22.6.1986 delivered to him on 6.8.1986. On 16.9.1986, the applicant was served with the charge-sheet for alleged misconduct under Paras 3(I) and (II) of the Railway Service Conduct Rules, 1966. He has submitted his explanation against the charges and has denied the charges levelled against him. The disciplinary authority was not satisfied with the explanation. According to the applicant, earlier the penalty of censure was awarded on 13.10.1986 for which a note was put in by the office, but later on ^{year} the penalty of censure ~~of~~ deleted and penalty of ~~withholding~~ of 3 increments was passed on 2.12.1986. Without filing the departmental appeal, the applicant has approached the Tribunal and challenged the same. On merits of the case, in our opinion, the applicant has failed to make out any case for interference. This being a case of minor penalty

the disciplinary authority was within its jurisdiction to accept his ~~pleas~~ or to reject it and if the disciplinary ^{Authority} found that the applicant ^{had} failed to convince the disciplinary authority with his explanation, as such, it was within his competence to award the punishment. So far as the other ground of malice is concerned, no material whatsoever, is placed on the record ^{from} which it could be said that the respondent no.3 has passed the order against the applicant with malice.

2. Accordingly, we do not find any merit in this application and the application is hereby dismissed. No order as to the costs.

A. Lawrence
Member(A)

C.L.
Vice-Chairman

Dated: 23.12.1992

(n.u.)