

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. No. 1359/90

3

New Delhi, this the 9th August, 1994.

HON'BLE MR.JUSTICE D.L.MEHTA VICE CHAIRMAN (J)
HON'BLE MR.B.K.SINGH, MEMBER (H)

Nawal Kishore Sharma
s/o Shri Deep Chand
Special Ticket Examiner,
Northern Railway,
Delhi Main Station,
Delhi.

...applicant

(By Shri JK Bali Advocate)

Vs.

Union of India, though:

The General Manager,
Northern Railway, New Delhi. ...Respondents.
(By Shri Indefit Sharma, Advocate)

ORDER (ORAL)

HON'BLE MR.JUSTICE D.L.MEHTA VICE CHAIRMAN (J)

Heard 1d. counsel for the applicant.

Departmental enquiry was conducted against the applicant and the Disciplinary Authority found him guilty under charges No.3 & 4. However the ^{Appeals} Disciplinary Authority accepted the daily docket and held him guilty only under charge No.4. The charge No.4 is that the applicant failed to maintain EFT numbers on the chart against the pending amount shown therein. The case of the applicant is that there are no rules, no administrative instructions nor any practice and no column for entering EFT numbers against pending amounts realised. The respondents have not answered this allegation made by the applicant in a proper way in their reply. In the facts and circumstances, we consider it proper that O.A. should be accepted and the order of Disciplinary Authority which has merged in the order of appellate ^{order revisional} authority as well as in the ~~regional~~ authority should be set aside to the extent that the applicant

stands exonerated for charge No.1 to 3 and for charge No.4 the Disciplinary Authority will pass a speaking order as to under which rule it is required; whether there are any administrative instructions or not; whether there is a practice or not and whether there is a column or not for entering EFT numbers against pending amounts realised. If there are no administrative instructions, rules or practice as such we direct that the Disciplinary Authority will pass an appropriate order ^{in the facts and circumstances of the case} ~~of exonerating and the applicant~~ will be entitled for the consequential benefits. The O.A is accepted to this extent. No costs.

(B.K.SINGH)
Member (d)
M

(D.V.MEHTA)
Vice Chairman (J)