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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

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Registration O.A. No. 2898 of 1991

Dt: 22.12.92

Mohinder Singh

... Applicant.

Versus

Chairman Railway Board
and others

... Respondents.

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

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

The applicant was born in November, 1932. He joined his services as S.S. Electrician on 19.3.1953. In the year 1972, he was promoted to the post of Motor Mistry and while he was working as Motor Mistry, he was charge-sheeted. The applicant was charge-sheeted vide document dated 5.8.1989 and this was supplied to him on 29.8.1989. The alleged incident was relating to 19.8.1989 and the applicant was suspended on 23.8.1989. The charge against the applicant was that he was sitting in the room. He was under the influence of the liquor and was unable to express himself. It was also alleged against the applicant that he caught the shirt of Mr. Malhotra. An enquiry proceeded. Thereafter, the enquiry officer submitted his report and acting on the report of the enquiry officer, the disciplinary authority has reverted him to the post of Khalasi. The applicant filed an appeal and during the pendency of the appeal, the applicant retired from service and that is why the appellate authority took a lenient view and reduced the punishment of the applicant, and has passed the following orders; "Party's appeal is considered and keeping in view that the party has retired, a lenient view is taken and punishment be reduced to that of reduction by one stage i.e. in

- 2 -

in Grade Rs. 1320-2040 (1400-2300)." The applicant who challenged the said order has contended that the enquiry officer's report was not given to him but from the letter dated 7.5.1990 sent by the Dy. Chief Mechanical Engineer, which is on the record, it is clear that the copy of the enquiry officer's report was given to him. Accordingly, this contention of the applicant fails. The other plea raised by the learned counsel for the applicant is that the appeal decided by the disciplinary authority, also is not correct. But, none of the grounds taken by the applicant is sustainable. It may be that the applicant was on the verge of ~~penitent~~ and this punishment was harsh enough but the Tribunal is not competent to enter into the quantum of punishment. Accordingly, the application is dismissed. No order as to the costs.

J. Leonard

Member (H)

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Vice-Chairman

Dated: 22.12.1992

(D.U.)