

Central Administrative Tribunal  
Principal Bench: New Delhi

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OA No.2281/92

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New Delhi, this the 26th day of September, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri K.Muthukumar, Member (A)

Goverdhan Singh s/o Sh. Ram Singh,  
Working as C&W Fitter Grade I, at  
Carriage and Wagon Department,  
Mathura Jn. Central Railway.

...Applicant

(By Advocate: Shrin H.P.Chakraborty)

Versus

1. Union of India through  
Ministry of Railway,  
Rail Bhawan, New Delhi.
2. The General Manager,  
Central Railway,  
Bombay VT.
3. The Divisional Railway Manager,  
Central Railway,  
Jhansi.
4. Dr. Mohd. Squeed Khan,  
Assistant Medical Officer,  
Central Railway,  
Bad (Mathura Jn.)

..Respondents

(By Advocate: By None)

O R D E R (ORAL)

[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner in this case was issued a charge-sheet for minor penalty for being absent between 22.6.1991 to 20.7.1991.

2. The case of the petitioner is that he was injured on duty and attended the Health Unit on various dates between 22.6.1991 to 28.6.1991. Thereafter, as the doctor, attending to him, refused to attend further, he had to go to public medical authority at Mathura where he was under treatment of a private doctor (PMP) who finally gave

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a certificate on 18.7.1991 stating that he is fit to join duty. With the said certificate he went to the Health Unit at the place of posting and thereafter joined the duties with the respondents.

3. After notice respondents filed the reply and stated that the petitioner suffered a very minor injury which was a superficial incise of the size, 1 cm x .5 cm on the wrist joint of right forearm towards medially. Accordingly, the doctor did not entertain him too often and no medical certificate required to be issued under Form No. M8B or M9B, was issued to him nor, was his name kept in the IOD Sick List on 21.6.1991. It was also stated that the petitioner neither reported sick nor intimated him about his whereabouts till he joined with a certificate from a private doctor on 20.7.1991.

4. The disciplinary authority after issuing a charge-sheet on 9.8.1991 considered his case on merit and awarded a penalty of withholding of increment for two years with cumulative effect by an order dated 3.9.1991. Thereafter, he filed an appeal and in appeal the two years' period was reduced to one year. Petitioner approached this court challenging the orders by which the charge-sheet was issued, the order of disciplinary authority as well as that of the appellate authority.

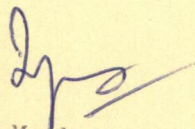
5. The arguments on behalf of the petitioner was that the respondents have not applied their mind while issuing the punishment order nor they have given any reason

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commensurate with the reply given to the charge-sheet. It was also stated that the punishment order was a stereo-type order given in printed form and under the rules. Since there is no enquiry held by a separate enquiry officer, the disciplinary authority is under obligation to give reason why the punishment is awarded. (12)

6. We have perused the record and gone through the reply and we find that the reason is stated on the face of the record that the petitioner remained absent unauthorisedly and without any intimation to the respondents. Considering the nature of the offence and the conduct of the petitioner relied upon in his appeal against the order of the disciplinary authority, the appellate authority has reduced the punishment to one year and we find, in the circumstances, no reason to interfere with these orders. No other ground has been stated before us except those stated above.

7. In the circumstances, this OA is dismissed as devoid of merits. There shall be no order as to costs.

  
(K. Muthukumar)  
Member(A)

naresh

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)