

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1073/92

Y New Delhi, this 12th day of September, 1997

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

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Shri Sher Singh
s/o Shri Ram Swarup
Parcel Clerk, Northern Railway .. Applican
Railway Station, Delhi
(By Advocate Shri B.S. Mainee)

versus

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway Respondents
State Entry Road, New Delhi
(By Advocate Smt. Sunita Rao)

ORDER(oral)

Hon'ble Mrs. Lakshmi Swaminathan

The grievance of the applicant is against the order dated 18.3.91/2.4.91 passed by the respondents, by which an amount of Rs.10,000/- was ordered to be recovered in ten instalments and the appellate authority's order dated 7.3.92 rejecting the appeal. We have perused the records and heard the learned counsel for both the parties.

Y 2. The main contention of the learned counsel for the applicant is that the impugned order dated 18.3.91/2.4.91 passed by the disciplinary authority is contrary to the provisions of Rule 11(1)(b) of the Railway Servants (Disciplinary & Appeal) Rules, 1968 and the Railway Board's circular No.E.D&A/RG-6-12 dated 17.8.86. Rule 11(1)(b) of the Railway Servants (D&A) Rules provides that where any order of minor penalty is imposed on a railway servant, which is the present position, the competent authority shall record his findings on each imputation of misconduct. In the

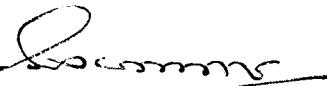
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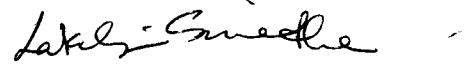
impugned order it is seen that no such recording of imputation of misconduct or finding against the applicant is made by the disciplinary authority. The impugned order of punishment imposed on the applicant is for the recovery of pecuniary loss caused to the respondents by the alleged irregularity on the part of the applicant. It is also noticed that the appellate authority's order dated 7.3.92 is a sketchy order without giving any reason for the decision on the grounds taken by the applicant in his appeal dated 14.5.91.

3. In the facts and circumstances of the case, we quash the impugned orders dated 18.3.91/2.4.91 and 7.3.92 as being contrary to the provisions of Rule 11 of the Railway Servants(D&A) Rules and the Railway Board's circular dated 17.8.86. The case is remitted to Respondent No.2, i.e. the Divisional Railway Manager, Northern Railway, New Delhi, to have it examined and to take action regarding the charges for minor penalty in accordance with the rules, within a period of two months from the date of receipt of a copy of this order.

4. By the Tribunal's order dated 21.4.92, operation of the impugned order dated 18.3.91/2.4.91 has been stayed restraining the respondents from further recovery of any instalment. Therefore if any amount has been recovered, they shall refund the amount recovered in pursuance of the impugned order dated 18.3.91/2.4.91.

The OA is disposed of as above. No costs.


(S.P. Biswas)
Member (A)


(Mrs. Lakshmi Swaminathan)
Member (J)

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