

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1381 of 1996

Allahabad this the 06th day of September, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. Gen K.K. Srivastava, A.M.

P.K. Pandey, S/o Late B. Pandey, Working as Diesel
Driver under A.M.E., Eastern Railway, Chopan District
Sonbhadra.

Applicant

By Advocate Shri C.P. Gupta

Versus

1. Union of India through General Manager,
Eastern Railway, Calcutta.
2. Sr. Divisional Mechanical Engineer(P), Eastern
Railway, Dhanbad.
3. Divisional Mechanical Engineer, Eastern
Railway, Dhanbad.

Respondents


By Advocate Shri A.K. Gaur

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. under Section 19 of the
Administrative Tribunals Act, 1985 the applicant
has challenged the order dated 12.05.1994 passed

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by the D.M.E., Eastern Railway, Chopan by which the applicant was deprived of his next due increments for 3 years non-cumulative. It was also directed that he will not be considered for promotions during this period. The charge against the applicant was that on 05.04.94 he was called to work as spare at 5.15 but he was not found in his residence. Again he was called to work at 10.30 but again he was not found. The report to this effect was made by the Call Man. The applicant was given a show-cause notice to explain his conduct. The applicant submitted his reply on 01.05.1994 annexure-A-3. From perusal of this it appears that the applicant failed to explain his absence or ~~ask~~ to why he could not be found by the Call Man on the date and ~~the~~ time mentioned in the memo of charge. He threw many questions and also asked for several documents, which, in our opinion, ~~were~~ not relevant for explaining the presence of the applicant. The simple charge against the applicant was that why he was not present in his residence on 05.04.94 at 5.15 and 10.30. These facts were in the personal knowledge of the applicant. He was only required to explain his absence, in which he miserably failed. In the circumstances, we do not find any error in the order punishing the applicant. It is further mentioned that the punishment awarded to the applicant has already exhausted. ~~Now~~ The O.A. has no merit and the same is accordingly rejected. No order as to costs.



Member (A)

/M.M./



Vice Chairman