

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.371 of 1998.

Allahabad this the 12th day of November, 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. D.R. Tiwari, Member-A.

Nathu Ram
son of Sri Chatra Gang No.44,
P.W.-2, Karbi District Banda.

.....Applicant.

(By Advocate : Sri R.K. Asthana)

Versus.

1. Union of India
through Secretary
Ministry of Railway,
New Delhi.
2. Senior Divisional Engineer (East)
Central Railway, Jhansi.
3. Assistant Engineer, Railway,
Mahoba.

.....Respondents.

(By Advocate : Sri D.C. Saxena)

O_R_D_E_R

(Hon'ble Mr. Justice R.R.K. Trivedi V.C.)

We have heard Sri R.K. Asthana learned counsel
for the applicant and Sri A.N. Ambasth holding brief of
Sri D.C. Saxena learned counsel for the respondents.

2. By this O.A., filed under section 19 of Administrative
Tribunals Act 1985, the applicant has challenged the order
dated 08.04.1997 (Annexure A-1) passed by Assistant
Engineer, Mahoba by which applicant was awarded punishment
of reduction in salary ~~in three stages~~ ^{to lowest stage in the scale without cumulation} on conclusion of ~~three stages~~ ^{the} Disciplinary Proceedings.



3. The facts of the case are that applicant Nathu Ram was serving as Keyman No.44. He was served with memo of charge dated 19.03.1996. The charge against the applicant was that during the period from 03.08.1995 to 08.08.1995 he did not do sufficient lubrication on account of which there was ~~facture~~ in rail and he did not discharge his duty as Keyman regularly and rail lines were not checked properly. The applicant, in his reply, admitted the charge. Enquiry Officer gave finding that lubrication was done on 03.08.1997 then upto 08.08.1997 there was no lubrication on account of which S.I.J. in track had broken and track became totally unsafe for travelling people. Thus, in the enquiry the carelessness on the part of the applicant was found to be proved which was also admitted by the applicant.

4. In these circumstances, the punishment of reduction to the lowest level in the salary for the period of two years with ^{out} cumulative effect was ~~of course~~ commensurate and ~~again~~ termed arbitrary. The order of punishment was maintained in appeal, which was dismissed on 14.07.1997.

5. Learned counsel for the applicant, however, submitted that applicant was on leave between 03.08.1995 to 08.08.1995, but the fact that applicant was on leave ^{during} ~~free~~ above period has not been accepted. The applicant wa



found present on duty and finding has been recorded by the Enquiry Officer.

6. In the circumstances, the impugned order is justified. The punishment awarded is commensurate to the charge and does not call for interference by this Tribunal. The O.A. has no merit and is accordingly dismissed.

No order as to costs.

Dhawal

Member - A

D

Vice-Chairman

Manish/