

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1040 OF 2001

ALLAHABAD THIS THE 06TH DAY OF May 2009

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS MANJULIKA GAUTAM, MEMBER-A

J.P Maurya (retired I.O.W.) son of Shri Shiva Kumar, resident of House No. 351-A, Adarsh Nagar, Basarapatpur, behind Alumunium Factory, Gorakhpur, District Gorakhpur.

.....Applicant

By Advocate : Shri I.M Kushwaha

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Manager (Engg.) North Eastern Railway, VAranasi.
3. Additional Divisional Railway Manager (Engg.) N.E. Railway, Varanasi.
4. Senior Divisional Engineer (I)/B.S.B., North Eastern Railway, Varanasi.

.....Respondents

By Advocate Shri Anil Kumar

ORDER

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J

Heard Shri I.M Kushwaha, Advocate appearing on behalf of the Applicant and Shri Anil Kumar, Advocate appearing on behalf of the Respondents.

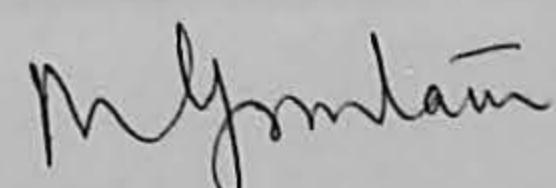
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2. Applicant is an employee of Railway Department; he was subjected to Disciplinary Enquiry; certain punishment awarded vide order dated 14/17.1.1992. Disciplinary Authority passed order, “.....*for the charges proved, as aforesaid, undersigned orders to reduce the present pay of Shri J.P. Maurya, IOW/Salempur to a stage equivalent to two increments permanently in the time scale*” . Feeling aggrieved, applicant filed Appeal, which was also rejected by the Appellate Authority vide order dated 26/28.5.1992. It appears that Appellate Authority, exercising powers under relevant Rules, reviewed its decision vide order dated 8/17.3.1994 (Annexure A-8). It was provided “*punishment of reduction of your pay in the time scale as imposed vide..... dated 14/17.1.1992 will be effective for a period of three years only from the date of imposition*”. Applicant, it appears, not satisfied and again approached the Appellate Authority, who was rejected as prayed vide order dated 17.1.2001 (Annexure A-12).

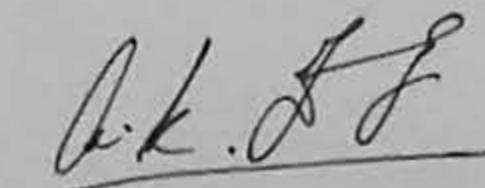
3. We find no illegality and irregularity in the impugned order. Applicant has failed to show that Authority has acted arbitrarily or against ‘statutory Rules’. Tribunal cannot act as a ‘Trial Court’ or investigating agency. It is to be noted that the applicant had already retired on 30.6.1997. Further order of punishment is not of cumulative effect.

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4. In view of the above, we find no interference with the impugned order. Impugned order was temporary phase and did not effect the permanent phase. OA stands dismissed. No costs.



Member (A)



Member (J)

Manish/-