



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.6370/2020
(S.W.P. No.951/2005)

Tuesday, this the 23rd day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Mohammad Shamim Beg, Aged 45 Yrs., Son of Shri Mohammad Bashir Beg (Technical Assistant Food Corporation of India District Office Baghat Barzulla Srinagar), Resident of D-292 Avasvikas Colony Suraj Kund, Gorakhpure (U.P.). At present Sonawar Srinagar.

.. Applicant
(Through Mr. M Y Bhat, Senior Advocate)

Versus

1. Food Corporation of India, through its Managing Director, HQ New Delhi.
2. Senior Regional Manager, Food Corporation of India, Punjab Region, Chandigarh.
3. Senior Regional Manager, Food Corporation of India, Regional Office, Jammu.
4. District Manager, Food Corporation of India district office, Baghat Barzulla, Srinagar.

.. Respondents

(Through Mr. Raghu Mehta, Senior Central Govt. Standing counsel and Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)**Justice L. Narasimha Reddy:**

The applicant was working as Technical Assistant in the Food Corporation of India (FDI). In the year 2001, he was posted at Malerkotla in District Sangrur, Punjab. He and certain other officers were in-charge of loading stock of rice to be transported from Malerkotla to Ajni (Nagpur). The officers at Ajni (Nagpur), who received the stock, sent a telegram, stating that the substantial stock was damaged and the loss was estimated to Rs.2,50,466.23 ps. The applicant was issued a charge memorandum dated 15.12.2004, to show cause as to why necessary action be not taken against him on account of lapses on his part. He submitted a detailed explanation, disowning his responsibility. He stated that other officials were also involved in loading of stock of rice and he alone cannot be held responsible. Taking the same into account, the Senior Regional Manager, passed an order dated 04.08.2005, imposing a token recovery of Rs.50,000/- from the applicant. Challenging the said order, the applicant filed SWP No.951/2005 before the Hon'ble High Court of Jammu & Kashmir.

2. The applicant pleaded that he filed a detailed representation, running into 6 pages, but the Disciplinary Authority (DA) did not take the same into account. Other grounds were also urged in challenge to the impugned order.



3. On behalf of the respondents, a detailed counter affidavit is filed. It was stated that the applicant was under obligation to verify the quality of rice before it was loaded, and on account of failure on his part, the damage was caused and the Corporation suffered a loss of Rs.2,50,466.23. It is stated that the disciplinary authority has taken into account, the explanation submitted by the applicant and passed an order dated 15.12.2004 directing recovery of Rs.50,000/-.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 6370/2020.

5. Today, we heard Mr. M Y Bhat, learned senior counsel for applicant, Mr. Raghu Mehta, learned Senior Central Govt. Standing Counsel and Mr. Sudesh Magotra, learned Deputy Advocate General.

6. The applicant challenges the order of minor penalty passed against him. The issue related to the loading of rice way back in the year 2001. The action was initiated on receiving a complaint from the officials of FCI at Ajni (Nagpur). It was mentioned that while unloading the bags of rice, it was found that the stock was damaged and sub-standard in quality and thereby, a loss, estimated at Rs.2,50,466.23, was caused. In his explanation, the applicant did not dispute the fact that he was one of the officials associated with the loading of the rice. He was expected to be cautious and careful in ensuring that the rice with proper quality

is loaded. The fact that the disciplinary authority has restricted the recovery against the applicant to Rs.50,000/- discloses that it did not hold the applicant entirely responsible for the reported damage. Adequate reasons were furnished before the order of restricting the recovery to one of minor penalty, was passed.

7. We do not find any merit in this T.A. It is accordingly dismissed. However, the recovery shall be in accordance with the norms stipulated in this behalf, but without any interest. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sd/sunil/jyoti/dsn