

(A3)
Court No. 1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.1277 of 1986

Prahlad Plaintiff-Applicant

Versus

Union of India & Others Defendant-Respondents.

Hon.K.S.Puttaswamy, V.C.
Hon. Ajay Johri, A.M.

(By Hon.K.S.Puttaswamy, V.C.)

This is a transferred application and is received from the Court of Munsif, Shahjahanpur under Section 29 of the Administrative Tribunals Act XIII of 1985 (Act).

2. At the material time the applicant was working as an Assistant Station Master (ASM) at Shahjahanpur of the Northern Railway Zone of Indian Railways. Initially the Senior Divisional Security Officer (SDSO) kept the applicant under suspension and then commenced disciplinary proceedings against him in which it is alleged that he inflicted the punishment of stoppage of increments on him on 8.12.82. In O.S. No.126 of 1985 filed in the Court of Munsif, Shahjahanpur the applicant challenged the same which on transfer has been registered as an Application No. 1277 of 1986.

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3. In resisting the said suit the defendants-respondents have filed their written statement before the learned Munsif on 21.5.86. In their written statement, the respondents, while generally denying the assertions in the plaint, have inter alia stated thus :-

" 6. That the plaintiff has wrongly written that punishment of withholding increment was imposed.

7. That the plaintiff was suspended and was punished stoppage of two sets of passes.

8. That the punishment was imposed as per Discipline and Appeal Rules, 1968. "

The written statement has been verified by the Divisional Railway Manager, Northern Railway, Moradabad (D.R.M.).

4. Shri V.C.Misra, learned counsel for the applicant contends that the impugned order, made by the D.R.M. imposing the punishment of stoppage of increments, is illegal and impermissible.

5. Shri G.P.Agarwal, learned counsel for the respondents contends that the only punishment imposed was one of suspension with stoppage of two sets of passes which punishment had not been challenged by the applicant and therefore the question of this Tribunal examining and overruling the alleged punishment of stoppage of increments on any ground does not arise.

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6. In his plaint, the applicant has challenged the order dated 8.12.82 of the D.R.M. imposing the punishment of stoppage of three increments against him. But in their written statement filed, the respondents have asserted that no such punishment had been imposed against the applicant and that the only punishment imposed against him was one of suspension with stoppage of two sets of passes which he has not challenged. On this assertion, which is binding on the respondents, the question of this Tribunal examining the impugned order imposing punishment of stoppage of increments, does not at all arise. So also the question of this Tribunal examining the validity of the punishment imposed by the D.R.M. alluded to in paragraph 7 of the written statement which is not challenged by the applicant does not arise. From this it follows that we should dispose of this application as having really become unnecessary. We, therefore, dispose of this application as having really become unnecessary. But in the circumstances of the case, we direct the parties to bear their own costs.

M.S. Dhivendra
Vice Chairman 10/11/82

3/5/87 A/B
Member (A)

Dated the 10th Nov., 1987

RKM/PG