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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration O.A.No.1223 of 1987

Bhagwatè Singh

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Applicant

Vs.

Union of India & Others....

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was awarded the punishment of two years reduction by the Disciplinary Authority approached the Appellate Authority and the Appellate Authority reduced the punishment <sup>for two</sup> by withholding the increment/years. Against the said punishment order the applicant has approached the Tribunal. At the relevant point of time the applicant was working as Assistant Station Master at Birohi Railway Station in Allahabad Division of the Northern Railway. There was one another Assistant Station Master named Sri Subhash Chandra Mishra and one Station Master named Sri B.P. Srivastava at that station. In the night of 20.1.85 and 21.1.85 when Sri S.C. Mishra came on duty after the applicant's shift was over, he noticed that 9 ordinary tickets for Naini each costing Rs .5/- were missing from the tube. He immediately called for the Station Master from his quarters and pointed out the shortage. The matter was reported in the diary book and the Station Master also issued a telegram to Station Suptd. Naini, Ticket Collector, Naini, Sr. D.C.S. Allahabad. <sup>intervening</sup> On the <sup>between</sup> the following night i.e. 21.1.85 to 22.1.85 the applicant who had been on duty in the shift from 00-00 hours to 8.00 hours the nine missing tickets for Naini are said to have been sold by some one to the passengers of I CA up N.Rly and the same were collected at Naini on 22.1.1985 from the passengers alighting from ICA up Passenger. The applicant was charged for having mis-appropri-

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iated the cost of the said 9 tickets amounting to Rs.45/- and an inquiry was instituted against him. The Inquiry Officer exonerated the applicant of all charges, but the disciplinary authority disagreeing with the findings recorded by the Inquiry Officer and awarded the punishment referred to above. The applicant preferred an appeal against the same, and the Appellate Authority reduced the punishment by making the following observations:

"I have studied the case at length. So far as Sri Bhagwati Singh is concerned, there is a plus point to the tune that while taking over charge he did point out to the SM about the missing tickets although it is quite possible that he himself may be a party to the misappropriation of those tickets. In any case it was his duty to inform the ASM/Hd. T.C. of the destination Station about the missing tickets so that the culprit could be apprehended in time.

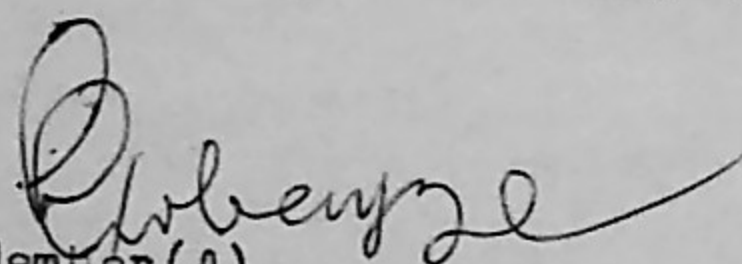
The punishment of Sri Bhagwati Singh is therefore reduced to by withholding of increments by two years."

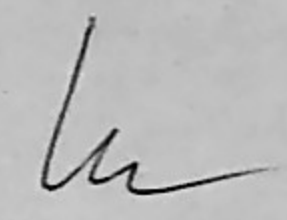
2. Shri R.K.Tiwari learned counsel for the applicant vehemently contended that of course it was not established at all that the applicant was guilty of charges and as such he could not have <sup>been</sup> punished. But there is no denial of the fact that at that hour when the tickets could have been sold the applicant was on duty. Learned counsel contended that when he learnt of the said fact there was no occasion for him to reporting the matter to the Railway Authority as Sri S.C.Mishra in the meantime <sup>has</sup> already reported the matter which has come to his knowledge when he came back on duty. May be so, but when the applicant detected the same it was his duty to report the matter to the authorities concerned. It is only because of this particular charge this minor punishment has been awarded. The applicant cannot escape from his liability. May be that no corrupt intention or



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misappropriation was proved on his part. But obviously as a Railway servant it was his duty to inform the authorities concerned and failure to do so resulted in loss to the Railway Authority and he has been given the minor punishment. The havier punishment was later on reduced by the Appellate Authority. We do not find any good ground to interfere into the matter <sup>as</sup> there is no defect in the inquiry or that it cannot be said that the applicant was completely free <sup>from blame</sup> and it was not his duty even to report the matter to the authorities concerned. As such this application has got to be dismissed and accordingly it is dismissed. No order as to costs.

  
Member (A)

  
Vice-Chairman.

28th March, 1992, Allahabad.

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