

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

T.A.No.1424 of 1987

Man Mohan SharmaApplicant.

Versus

Union of India & othersRespondents.

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

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,VC)

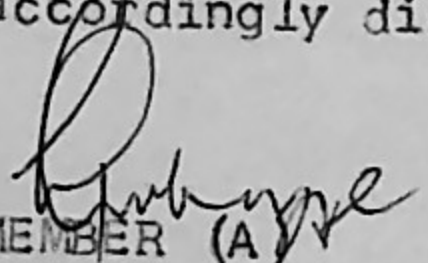
This is a transferred case under section 29 of the Administrative Tribunals Act,1985.

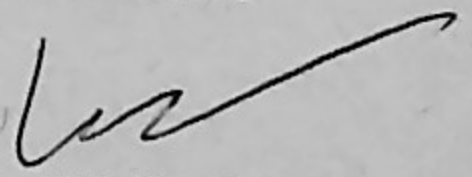
2. Feeling aggrieved with the minor penalty awarded to the applicant and the appellate order dismissing the appeal, the applicant filed a writ petition before the Hon'ble High Court which by operation of law has been transferred to this Tribunal, praying that a certiorari be issued quashing the order dated 24.1.84 and further he prayed that the respondents may be directed not to make any adverse entry in the service record of the applicant.

3. The applicant was a highly skilled Fitter Grade I and was posted at Phaphund. A letter was received by the applicant on 3.1.83, issued by the respondent no.5 stating that on 29.10.82 one box spanner set was issued to him but despite repeated reminders, he failed to return the same and he was asked to return the same within two days otherwise the cost of the spanner-set would be recovered from his salary. The applicant filed reply to the same denying that no such spanner-set was issued to him nor has he received the same. He was served with a charge-sheet dated 23.3.83 in respect of minor penalty, issued by the respondent no.4, holding him responsible for the loss of spanner set costing Rs.625/- and for violating Rule 3(i), (ii) and (iii)

of the Railway Service Conduct Rules, 1968. The said amount was later on recovered from him.

4. The respondents have filed reply stating that a show-cause notice was issued to the applicant and after receipt of reply of the applicant, the said impugned order was passed. It is a case of minor penalty and no duty was enjoined on the respondents to hold a full-fledged enquiry. They were not satisfied with the explanation given by him and passed the order. We find no ground in the case to interfere with the said order. However, so far as adverse entry is concerned, no such order can be passed and one cannot be tagged with other. The application deserves to be dismissed and the application is accordingly dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

Dated: March 25, 1992

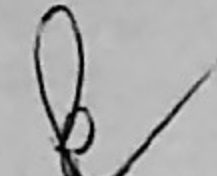
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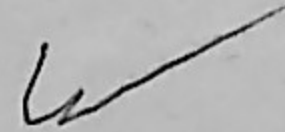
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Hon. Mr. Justice U.C. Sinastena, V.C.
Hon. Mr. K. obayya, A.M.

Heard the learned counsel for the
parties. Judgment dictated Separately.


A.M.


V.C.