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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A.No.2020 of 1987

(C.A. No.388 of 1985)

Harbans Prasad Plaintiff-Applicant

Versus

Union of India through General Manager,
N.E.Railway, Gorakhpur..... Defendant-Respondent.

Hon.Mr.D.K.Agrawal, J.M.

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

(By Hon.Mr. D.K.Agrawal, J.M.)

Civil Suit No. 1032 of 1983 instituted in the Court of Munsif (I) Gorakhpur was dismissed by judgement and decree dated 31.10.85 against which an appeal was preferred being Civil Appeal No.388 of 1985 which on transfer to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 was registered as T.A. No. referred to above.

2. Briefly, the facts are that the plaintiff-applicant was inflicted a punishment of reduction to the lower stage of the pay scale whereby his salary was reduced from the stage of Rs.290/- to Rs. 278/- for a period of two years without postponing future increments. We were deprived of the benefit of the address by the applicant's counsel ^{on account of} his absence. We have however heard the learned counsel for the respondents.

3. The charge against the plaintiff-applicant was that he made an attempt to receive payment of the salary already paid to him. The Inquiry Officer found the charge to be proved. Thereupon the Disciplinary Authority vide an order dated 11.3.82 passed the impugned order of punishment which was confirmed in appeal by the appellate authority vide order dated 3.10.82.

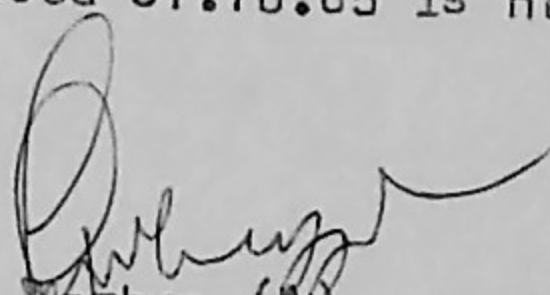
DK Agrawal

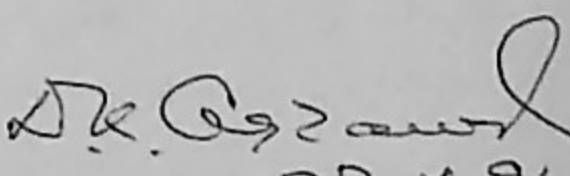
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4. The learned Munsif in his detailed judgement has recorded a finding that the plaintiff was afforded reasonable opportunity to defend himself; that the order of the disciplinary authority was valid in the eye of law; that the enquiry was made in accordance with law; that the plaintiff was guilty of the charge framed against him. Aggrieved with the judgement and decree of the Learned Munsif this appeal has been filed. We have given our careful consideration to the grounds raised by the appellant. We do not find any reason to interfere with the judgement and decree of the Learned Munsif. The enquiry was held in accordance with law. The disciplinary authority also has also passed orders in accordance with law. There is another factor which is relevant i.e. the punishment has already been undergone and as such exhausted. In the circumstances, we are of the opinion that this appeal has no merit.

5. In the result the appeal is dismissed without any order as to costs. The judgement and decree of the Learned Munsif dated 31.10.85 is hereby confirmed.


Member (A)


Member (J) 22.X.91.

Dated the 22nd October, 1991.
RKM