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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAHAD BENCH.

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Registration O.A. No. 698 of 1987

Harihar Nath Sonkar Applicant.

Versus

Union of India
and others Respondents.

Hon^{ble} Mr. Justice U.C. Srivastava, M.C.
Hon^{ble} Mr. K. Chayya, Member (A)

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

The applicant was working as CGS/CPC at Kanpur . A clubbed consignment of old polythene arrived at CPC Goods Shed in Wagon No. ER58033 containing 29 and 32 bundles booked Ex-Bombay ^{to} CPC and Juhi under invoice No. 62/265188 dated 21.5.1985 and the said wagon was reweighed at CPC weighbridge and the weight of both the consignments was scaled 51 quintals. After unloading 29 bundles of CPC ~~consignment~~ ~~dated 21.5.1985~~ the other consignment was despatched to Juhi in the same wagon advising its weight as 26 quintals to Juhi ~~where~~ where it was charged accordingly realise Rs. 434/- as under charges as the invoiced weight was 18.10 quintals. The applicant was alleged to have been allowed reweighment on private Dharmkanta without the request of the party causing loss to the Railway revenue amounting to Rs. 282/- for which the applicant was considered to be responsible. This irregularity of ordering reweighment on private Dharmkanta was detected by vigilance department and the applicant was ordered to be taken up under minor penalty basis and the applicant was served with SF-II dt. 14.8.1985 which was acknowledged by him on 20.8.1985 and despite reminders he did not submit any defence upto 15.5.1986, and

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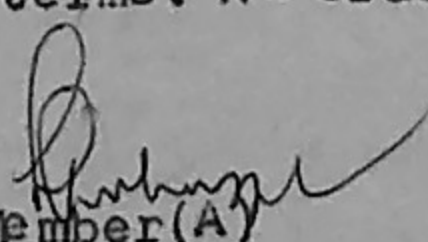
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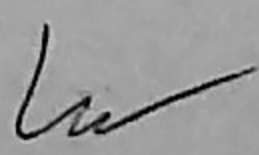
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in the result, an exparte decision was taken and his 3 years increments were withhold. The applicant filed and appeal against the same which was also rejected. He filed a review petition to G.M. (Comm1) NDLS directly ignoring the proper channel. It appears that the applicant has retired from service but before his retirement his review application is pending for disposal with the respondents, the reference of which has taken place in the written statement filed by the respondents. The respondents have stated that he filed the review application directly ignoring the proper channel but the advance copy of the same has been sent to the General Manager. As the applicant has filed a review application so without technicality the respondents are directed to dispose of the review application filed by the applicant. The reviewing authority will consider the prayer made by the applicant and in case the reviewing authority finds it proper to reduce the punishment, the same authority can do so notwithstanding the fact that the applicant has retired from service, and the reviewing authority shall also direct the respondents to give all the consequential benefits to the applicant. It will be open for the applicant to file another copy of the review application in case, he so desires within a period of 1 month and let a decision be taken in this behalf by the reviewing authority within a period of another 2 months from the date of communication of this order. The application is disposed of with the above terms. No order as to costs.


Member (A)


Vice-Chairman

Dated: 13.8.1992

(n.u.)