

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BEWBH,
ALLAHABAD.

O.A. No. 139/83

Lal Behadur :::::: Applicant

Vs.

Union of India & Others :::::: Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

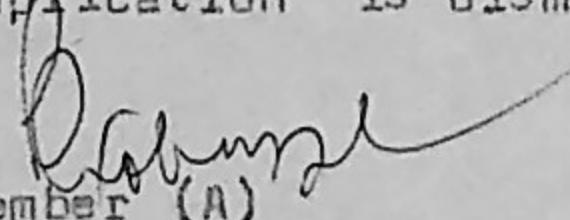
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

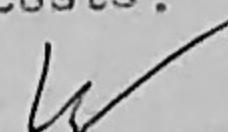
The applicant, who was a coach-attendant, was removed from service after enquiry. Thereafter he filed an appeal. The appeal was also dismissed. Thereafter, revision petition was filed. In the revision petition the authorities set aside the removal order and they reduced him in rank. Feeling aggrieved, the applicant approached this Tribunal praying that the punishment order be quashed.

2. The applicant was a coach-attendant on that day in a train going from Delhi to Allahabad. According to the applicant, at Itawa Railway Station, he came to know that his wife was hospitalised and his 9 years old son was waiting in the said Railway Station who came with some-body. The applicant could not restrain himself on hearing about his wife's hospitalisation. He tried to search ^{out} the conductor to inform that he wants to go and look after his wife. But in the meantime the train moved out, with the result he could not inform the conductor. He reached the hospital and found his wife in a serious condition. He attended his wife in the hospital and on the very next day he informed the Railway Authorities regarding the condition of his wife.

When he returned from leave and joined duty he was served with a charge-sheet. The enquiry proceedings were started. The grievance of the applicant is that full opportunity of hearing was not given to him. The copy of the statement of one Shri Vajpayee, conductor, was not given to him though he has requested for the same from the very beginning.

3. We have looked into the records and found that it was not necessary for the respondents to give the copy of the statement of the said Shri Vajpayee as the applicant could have looked into the same. So far as the charge against the applicant is concerned, there is no denial of the fact that he got down from the train at Itawa Rly. Station and no information was given to the conductor. It may be correct that he must have tried to search out the conductor but in the meantime the train must have moved out. It may be that the Railway Authorities admitted the circumstances of the applicant and that is why the Reviewing Authorities took a lenient view and set aside the removal order and reduced the punishment to reduction in rank. There is no flaw in the enquiry and it cannot be said that the authorities have exceeded the jurisdiction and no case has been proved for the interference of the Tribunal. Accordingly the application is dismissed. No order as to costs.


Member (A)


Vice-Chairman

Dated: 31st August, 1992, Allahabad.

(tgk)