

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALIAHABAD.

O.A.No. 36/92

Rajiv Tripathi

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Applicant.

Vs.

Divisional Commercial Superintendent

Northern Railway, D.R.M. Office, Allahabad
and others. Respondents.

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

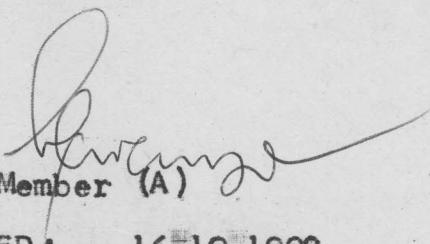
Hon'ble Mr. K. Obayya, A.M.

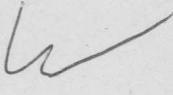
(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant, who was Parcel Clerk in Northern Railway, Allahabad, was chargesheeted vide memo dated 27.9.1989. The charge against the applicant was that he unloaded two bundles from 193 Dn. train on 19.4.1989 but failed to check pilferage in one of the bundles while Shri B.R. Chaudhary - the Shed Clerk, checked and found that pilferage. Resulting on 26.4.1989 at the time of delivery from Shed, a shortage of 14 kg, the Steel Parts amount to Rs 1204/- was found and since the applicant failed to deduct the pilferage, hence is responsible for the said amount. According to the applicant he filed reply to the same but thereafter an ex-parte order was passed with holding his increment for a period of one year. The applicant filed a departmental appeal and on appeal the punishment/reduce to six months. Thereafter he filed a review application which was also dismissed.

2. Learned counsel for the applicant contended that he filed the written statement even then an ex-parte order was passed against him and he has filed the copy of the written statement and has

drawn our attention to the memo of the appeal. In a very guarded and cryptic way, it has been stated that as already submitted in the explanation that there was no pilferage and it has not been stated anywhere that he filed a written a statement and a particular plea was taken by him and even an ex-parte order was passed. Even in review application was also no such statement was made. The respondents have replied and they in clear and categorical language stated that as a matter of fact no reply was filed by the applicant and in support of the same he also filed the report submitted by the Chief Parcel Supervisor, Northern Railway to the effect that no reply was filed by the applicant which is also on record. It is difficult to accept in these circumstances that any reply was filed by the applicant. Even if any reply was filed a lenient view was taken by the appellate authority reducing the punishment. The applicant can not be exonerated from his liability and responsibility and it is not necessary that in every case we should let him go scot-free. Accordingly we do not find any merit in the case and the application is dismissed. No order as to cost.


Member (A)


Vice-Chairman

DATED: - 16.10.1992
(ug)