

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

O.A.No. 36/92

Rajiv Tripathi

.....

Applicant.

Vs.

Divisional Commercial Superintendant

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

.....

Respondents.

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

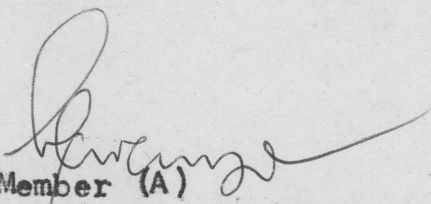
Hon'ble Mr. K. Obayya, A.M.

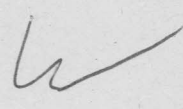
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

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 pillferage in one of the bundles while Shri B.R. Chaudhary - the Shed Clerk, checked and found that pillferage. 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 pillferage, 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 increement for a period of one year. The applicant filed a departmental appeal and an appeal the punishment/^{was} 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 pillferage 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)

/