

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 31st day of August 2000.

Original Application no. 1259 of 1992.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. M.P. Singh, Administrative Member

K.A. Khan, Engine Fitter,
S/o A.R. Khan,
R/o Loco Shed, Varanasi,
Village & P.O. Marwadah Varanasi.

... Applicant

C/A Shri V.K. Srivastava

Versus

1. Union of India, through its General Manager,
N.E. Rly., Gorakhpur.
2. Divisional Rail Manager, N.E. Rly.,
Lahartara, Varanasi.
3. Senior Divisional Mechanical Engineer,
N.E. Rly., Varanasi.

... Respondents.

C/Rs. Sri A. Sthakelar

...2/-

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O R D E RHon'ble Mr. Justice R.R.K. Trivedi, V.C.

This application has been filed under section 19 of the Administrative Tribunals Act, 1985, challenging the order of punishment passed against the applicant on conclusion of inquiry. The charge against the applicant was that he prepared forged over time bills and this way employees were given benefits and the railway suffered [^]serious loss. Only defence of the applicant was that he was appointed as Khalasi, then promoted as fitter and he was not aware of procedure. He has also submitted that the respondents took work of clerical post for which the applicant was not experienced ^{was} ^{and} ~~for that~~ he cannot be blamed [^]for the loss. This defence of the applicant has not been accepted by the authorities and in our opinion [^]rightly [^]from the material on record it is clear that he worked ^{and} on the post of Over Time clerk for a number of years [^]he never raised objection that this duty should not be assigned to him. On the other hand, ^{worked} ^{of} inference may be drawn that after having [^]on the post [^]clerk for several years, he learnt the procedure of preparing the O.T. bills. The orders [^]thus are concluded [^]by a [^]findings of the fact, ^{and} [^]do not call for any interference [^]by this Tribunal.

2. Learned counsel for the applicant also made submission regarding the quantum of punishment. By order dated 29.03.89, the applicant was directed to pay half of the excess amount paid to the employees



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on the basis of O.T. bills. This amount was Rs. 13340/- and the applicant was liable to pay half of it. By the appellate order dated 18.10.89 this punishment was modified and he was asked to pay Rs. 1320/- only, as salary of the applicant was reduced from Rs. 1320/- to Rs. 1230 in the same pay scale for a period of one year with cumulative effect. The revising authority by order dated 4.6.90 enhanced the punishment awarded by the appellate authority for a period of 6 months and it was raised from 12 months to 18 months.

Learned counsel has submitted that there was no justification for enhancing the punishment. It has also been submitted that the applicant was serving under Shri Ram Surat Ram, but his punishment awarded by the appellate authority was maintained whereas the punishment of the applicant was enhanced. We have considered this aspect of the matter. The revising authority in its order dated 4.6.90 has stated that charge against the applicant was very serious and adopting the reformatory measure the punishment is enhanced from 12 months to 18 months. In our opinion the reasons assigned for enhancing the punishment was not justified. It is an admitted position that both Sri Ram Surat Lal and the applicant were responsible for wrong preparation of the bills regarding O.T. If the revising authority was satisfied that punishment awarded was not commensurate, ^{Then} ~~and~~ both should have been punished ^{or with same penalty and} in our opinion he was not justified to punish the applicant alone. Consistent ^{should have been} view/taken by the appellate authority as both ^{are} ~~were~~ equally responsible for the excess payments to the employees.

3 ^{view of} In these facts and circumstances, in our opinion, the enhanced punishment is liable to be set aside. ~~For the reasons stated above~~ this OA is partly allowed. The order dated 4.9.90 ^{enhancing} the punishment from 12 months to 18 months is set aside. However, the punishment awarded by the appellate order dated 18.10.89 shall remain unaltered.

4. There shall be no order as to costs.


Member- A


Vice-Chairman

/pc/