

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 09TH DAY OF JULY, 2001

Original Application No. 241 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

J.P.Mishra, son of Sri Shiv
Shankar Mishra, R/o 162/9A Azad
Squares, South malaka, Allahabad.

... Applicant

(By Adv: Shri A.K.Srivastava)

Versus

1. Union of India through Secretary
to Govt. Ministry of Railways
New Delhi.
2. Divisional Railway manager,
Northern Railway, Allahabad.
3. Senior Divisional Commercial
Superintendent, Northern Railway
Allahabad.

... Respondents

(By Adv: Shri S.N.Gaur)

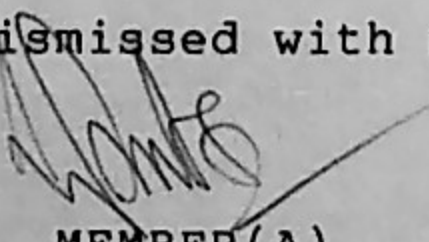
O R D E R(Oral)

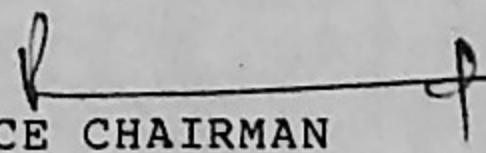
JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985, the applicant has challenged the order of punishment dated 4-11/12-1990 passed by Senior Divisional Commercial Superintendent Allahabad, by which he punished the applicant by ^{reducing} ~~refusing~~ him to the post of Parcel Clerk in the grade of Rs.1200-2040, from the Senior Parcel Clerk in consequence of the disciplinary proceedings. ^{in appeal} ~~The~~ applicant has also challenged the order dated 5.5.1992(Annexure 5) by which appeal of the applicant has been partly allowed and punishment awarded by the respondent no.3 has been ^{substituted} ~~succeeded~~ by a punishment of with-holding increments for five years.

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The applicant was served with the memo of charge for major punishment as he ~~is~~^{has} verified the Missing Goods Record claim without ascertaining the correctness of the same from the documents. The charge has been found proved against the applicant. Applicant admitted the charge but tried to explain it on the ground that he was over burdened with the work hence he could not notice the discrepancy or he could not verify it effectively. Both the authorities below have not accepted this defence so as to exonerate the applicant from the charge and in our opinion rightly. ^u The applicant was holding a responsible post but for his verification the huge amount which was paid to claimants, could have been avoided. Though it has come on record that the payments made good by the claimants and the loss to the Railway was avoided, but the serious misconduct remained there. Considering the over all facts and circumstances in our opinion, ^u appropriate ~~authority~~^{appellate} has taken the correct view by ^u reducing ~~refusing~~ the punishment ^u to with-holding ^u of the increments ^u for five years ^u without cumulative effect, no interference is called for. The OA is accordingly dismissed with no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 09.7.2001

Uv/