

9

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF OCTOBER, 2000

Original Application No. 883 of 1993

CORAM:

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

HON.MR.S.DAYAL, MEMBER(A)

Vijai Kumar Singh, Son of Shri Rajendra Kumar Singh, R/o H.No165/327 Nihalpur, Post Purushottam nagar, P.S.Khuldabad District Allahabad.

... Applicant

(By Adv: Shri A.S.Diwakar)

Versus

1. Union of India through Secretary Ministry of Railways, Rail Bhawan New Delhi.
2. Divisional railway Manager(Personnel) Northern Railway, Lucknow.
3. Asstt. Mechanical Engineer I, Northern Railway, Lucknow.

... Respondents

(By Adv: shri A.K.Gaur)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of the A.T.Act 1985 applicant has questioned the order of punishment passed in disciplinary proceedings. From the record it appears that applicant was serving as Fire Man Gr.'C' in railway Engine No.9978/WG on 2.7.1991. the charge against the applicant was that he failed to check the level of the water which resulted in fusion of the lead plug. Enquiry officer after considering evidence ~~returned~~ written the following findings on 17.7.1991.

"After going deeply through the records on file and statements of Shri V.K.Singh the undersigned come to the conclusion that the charges levelled against Shri V.K.Singh

in SF No.5 for front lead pluck fusion
of engine 9978 WG/2AG on 2.7.1991
are partially proved."

The Disciplinary Authority by order dated 2.6.1992 awarded punishment of reduction in pay scale from Rs 920+825 in the scale of Rs.825-1200 for a period of 3 years. In appeal by order dated 23.9.1992 period of three years was reduced to one year. The Revising Authority further reduced this period to six months by order dated 27.11.1994. Aggrieved by the aforesaid order the applicant has approached this Tribunal.

Shri Diwakar, learned counsel for the applicant has submitted that it is an admitted fact that applicant was a Fireman of Gr.'C' and he was compelled to discharge the duties of Fireman Gr.'A'. He has also pointed out to the finding of the Revising Authority that the condition of the engine was not good. The Enquiry officer found the charge only partially proved. In these circumstances, it was difficult to ascertain as to what extent the applicant could be held liable for the damage caused to the engine.

Shri A.K.Gaur on the other hand, submitted that orders are concluded by the findings of the fact. The applicant has been found guilty of the charge and has rightly been punished and no ground has been made out for interference by this Tribunal.

We have thoroughly considered the submissions of the learned counsel for the parties and perused the impugned orders. From Appellate order and the order of Revising Authority it is difficult to ascertain what prevailed on them to reduce the ~~punishment~~ ^{punishment} ~~sentenced~~. They have not recorded any reasons for the same. This clearly indicates that material on record did not support the charge for which applicant was made subjected to the disciplinary proceedings. Taking the

11
:: 3 ::

totality of the circumstances in consideration in our opinion, ends of justice shall be served if the applicant's interest so far his service prospects concerned, are protected and punishment is maintained only to the extent of monetary loss.

For the reasons stated above, we dispose of this application finally with the direction that the punishment awarded against the applicant so far the monetary loss is concerned. However, these orders will not affect so far as the prospects of the applicant in service. The entry in the Service Book shall be corrected accordingly. There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 9.10.2000

Uv/