

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.855 OF 1999  
ALLAHABAD THIS THE 17TH DAY OF MARCH,2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Shri P.K. Tiwari,  
son of Late P.N. Tiwari,  
P/o 56, Bahadurganj,  
Allahabad. ....Applicant

(By Advocate Shri B S. Sirchi)

Versus

1. Union of India,  
through the Ministry of Railways,  
Rail Bhawan,  
New Delhi.
2. General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
3. Divisional Railway Manager,  
Northern Railway,  
Allahabad.
4. Senior Divisional Commercial Manager,  
Northern Railway,  
Allahabad. ....Respondents

(By Advocate Shri A.K. Gaur)

ORDER

This O.A. has been filed under section 19 of  
Administrative Tribunals Act 1985, by which  
applicant has challenged  
the order dated 12.3.1999 by which appeal of the applicant  
against the order of punishment has been dismissed.

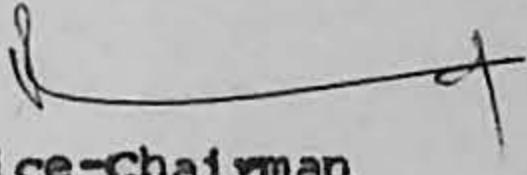


2. The facts of the case are that the applicant was appointed as Senior Travelling Ticket Examiner at Allahabad. The applicant was lying ill from 15.11.1989 to 03.04.1990. On 08.04.1990 he was declared fit and was recommended for light job. On 27.10.1990 the applicant moved an application that the period of six months prescribed by Railway Doctor has ~~been~~ expired and he may be permitted to perform his duties on line. The Railway Doctor on 12.12.1990 declared the applicant fit to do the train examining duty. In the month of April, 1991 Chief Ticket Inspector passed an order in Duty Roaster to the applicant to perform squad duty of Train Ticket Examiner. The applicant disobeyed the orders of the Chief Ticket Inspector and committed the mis-conduct for which he was subjected to disciplinary proceedings. He was served with a memo of charge dated 18.04.1991. After receipt of his explanation, the Divisional Commercial Manager passed an order of punishment with-holding increments of the applicant for six months temporarily. In appeal the order was not found proper and in accordance with law. Hence the notice dated 04.10.1991 has been given on 04.12.1991. The punishment was enhanced and period of with-holding increments was extended upto two years, by order dated 27.01.1992. Applicant filed an appeal. During the pendency of the appeal applicant filed an Original Application No.359 of 1998 which was disposed of with a direction to decide the appeal of the applicant in accordance with law. Thereafter the appeal has been decided vide impugned order dated 12.03.1999. I have perused the order and considered the charge.

3. Considering the facts and circumstances of the case

and mis-conduct found proved on the part of the applicant,  
I do not find any good ground to interfere in the matter.  
The O.A. has no merit and is accordingly dismissed.

4. There will be no order as to costs.

  
Vice-Chairman

/Neelam/