

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD.

Dated: Allahabad, the 20th day of February, 2001

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC

Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 792 OF 2000

Syed Mehdi Kazim Rizvi,  
son of late A.K. Rizvi,  
r/o M/186/B Station Colony,  
Izatnagar, Bareilly.

..... Applicant

(By Advocate Sri A. S. Diwekar)

Versus

1. Union of India, through General Manager,  
North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager,  
North Eastern Railway,  
Izatnagar, Bareilly.
3. Chief Medical Superintendent,  
North Eastern Railway,  
Izatnagar, Bareilly.
4. Senior Divisional Medical Officer,  
North Eastern Railway,  
Izatnagar, Bareilly.
5. Chief Medical Director,  
North Eastern Railway,  
Gorakhpur.

..... Respondents

(By Advocate Sri

ORDER (ORAL)

( By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

This O.A., under Section 19 of Administrative  
(Tribunals) Act, 1985 has been filed, challenging the

02.02.01

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order of punishment dated 25.11.99 passed by the disciplinary authority, order dated 4th March, 1999 passed by the appellate authority, order dated 9th June, 1999 passed by the Revisional Authority and the order dated 16th July, 1999 passed by the Chief Medical Director, in appeal. The learned counsel for the applicant has submitted that the bill was passed by the applicant on the basis of the report of the doctor, who had certified the bill, and he should not be held guilty for the same. We have considered this aspect of the matter. However, we are not convinced. As Office Superintendent in financial matters, the applicant was under obligation to look after into all papers before placing the same for signatures by disbursing authority. The lapse on part of the applicant is not minimised by the negligence committed by the doctor. All the departmental authorities have found charge proved against the applicant and we do not find any good ground to interfere with the aforesaid findings.

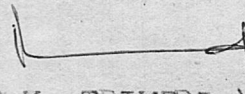
2. The learned counsel for the applicant next submitted that enhancement of penalty by the revisional authority was not justified in this case. It appears that the disciplinary authority initially reduced the pay-scale of the applicant to Rs.6900/- from Rs.7100/- for a period of 37 months with the condition that during the pendency of the punishment, the applicant will not be entitled for any increment. The appellate authority, however, reduced this punishment for a period of 12 months and also said that the increments are suspended for temporary period. The revisional authority



authority was dissatisfied with the order of the appellate authority, and by an order dated 9th June, 1999 imposed penalty of stoppage of increments for 37 months with future effect. The aforesaid penalty has been maintained in appeal by the appellate authority, vide order dated 16th July, 1999. Considering the mis-conduct involved, we do not think that the penalty awarded is excessive or arbitrary. Moreover, it is discretionary on part of the departmental authority to award suitable punishment. In the facts and circumstances of the case, we do not find any good ground for interference in the same. The O.A. is accordingly dismissed. No order as to costs.

  
(S. DAYAL)

MEMBER (A)

  
(R.R.K. TRIVEDI)

VICE- CHAIRMAN

Nath/