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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THE 6TH DAY OF FEBRUARY, 2001

Original Application No.1090 of 2000

CORAM:

HON.MR.JUSTICE ASHOK AGARWAL, CHAIRMAN

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

R.N.Rai, aged about 49 years,
son of Shri Sharif Lal Rai, R/o
Road No.1 Ram Nagar Colony,
Izat Nagar, Bareilly.

... Applicant

(By Adv: Shri T.S.Pandey)

Versus

1. Union of India through General Manager
North Eastern Railway, Gorakhpur.
2. Divisional railway Manager
North Eastern Railway,
Izat Nagar Division, Bareilly.
3. District Controller of Stores
North Eastern Railway
Izat Nagar Division, Bareilly.
4. Deputy Controller of Stores
North eastern railway, Gorakhpur.

... Respondents

O R D E R(Oral)

HON.MR.S.DAYAL:

This application has been filed for issuing a direction in the nature of certiorari quashing the charge sheet dated 16.4.1997, the punishment order dated 24.8.1999 and confirmation of punishment order dated 25.4.2000.

We have heard Shri T.S.Pandey learned counsel for the applicant.

We find that the Enquiry officer had found the applicant to be guilty for short accountal of DA gas on the basis of Joint Weighment. The applicant had certified that the full quantity of DA gas ^{was} recevied during the period of February 1995 to November 1995 and a short supply of 5074.65 Meter

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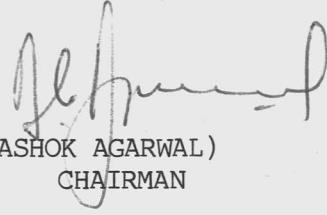
Cube was found incurring a loss of Rs.3,33,660.66p. The defence raised by the applicant that there were no clear cut instruction from his officer which was also found to be unacceptable because there were clear cut instructions on the basis of which accountal of DA gas was to be done as contained in the record for the year 1993-94.

The findings of the Enquiry officer were accepted by the Disciplinary Authority passing an order of reduction from the scale of Rs.5500-9000 to the scale of Rs.5000-8000 at Rs.5600 per month for a period of three years. The applicant filed an appeal in which the Appellate Authority agreed with the findings of the Enquiry officer and also conclusions of the Disciplinary Authority. The Disciplinary Authority observed that the Charged officer failed to establish as to why he did not follow the procedure of deduction of DA gas in vogue during 1993-94 and followed by him also. The Charged officer was heard personally by the Appellate Authority after which the Appellate Authority found punishment imposed by the Disciplinary Authority justified and adequate.

We also find that the due procedure has been followed and the punishment imposed on the applicant is not disproportionate to the allegations made against him in the charge sheet.

Since the application has no merit, it is dismissed. No order as to costs.


(S. DAYAL)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

Dated: 6.2.2001

Uv/