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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 80 of 1987.

Date of decision : April 29, 1988.

Sri Himangsu Sekhar Mukherjee,
s/o late Kalipada Mukherjee,
Resident of village-Nilkutidanga,
P.O.Purulia, Dist.Purulia,
West Bengal.

At present working as
Deputy Station Superintendent,
Birmitrapur Railway Station,
P.O.Damdapara,
Dist.Sundargarh.

...

Applicant.

Versus

1. Union of India, represented through
General Manager, South Eastern Railway,
At/P.O.Calcutta, West Bengal.

2. Divisional Railway Manager,
Chakradharpur, S.E.Railway,
Dist-Singhbhum, Bihar.

3. Senior Divisional Operating
Superintendent, Chakradharpur,
S.E.Railway, Dist.Singhbhum, Bihar.

4. Divisional Personnel Officer,
Chakradharpur, S.E.Railway,
Dist.Singhbhum(Bihar)

5. Senior Divisional Transportation
Inspector, Jharsuguda, S.E.Railway,
Dist.Sambalpur. ...

Respondents.

For the applicant ... M/s.J.K.Misra, &
N.C.Misra, Advocates.

For the respondents ... Mr. Ashok Mohanty, Standing Counsel
(Railways)

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1. Whether reporters of local papers may be allowed to
see the judgment ? Yes.

2. To be referred to the Reporters or not ? NO

3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes.

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C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the order of punishment passed in a disciplinary proceeding imposing minor penalty to the extent of withholding one increment for one year without cumulative effect contained in Annexure-5.

2. Shortly stated, the case of the applicant is that he was initially appointed as Assistant Station Master which post he joined in 1956 and in course of time he was promoted to the post of Station Master in the year 1975. An allegation was levelled against the applicant that he submitted Muster Roll and T.A.journal directly without scrutiny and counter-signature of S.D.T.I. and availed leave without sanction. He was also charged with the offence of having committed fraud by wrongly marking attendance of one Shri B.Mondal in the Muster Roll and ~~equally~~ ^{illegally} illegality was committed by him in withdrawing the said B.Mondal from Kansabahal to Garposh without authority. On these charges a disciplinary proceeding for minor penalty was initiated and after the explanation was received from the applicant the disciplinary authority ordered stoppage of one increment for one year vide Annexure-5. Being aggrieved by this order the applicant has invoked the

Jurisdiction of this Bench for interference.

3. In their counter, the respondents maintained that no illegality having been committed in the matter of imposition of penalty and such imposition of penalty having been done by the competent authority due to the misconduct of the applicant, this Bench should not interfere with the order of punishment.

4. We have heard Mr.J.K.Misra, learned counsel for the applicant and Mr.Ashok Mohanty, learned Standing Counsel for the Railway Administration at some length. We have also perused the averments made in the application and the counter submitted on behalf of the respondents and we have also perused the relevant documents. It was strenuously urged before us by Mr.Misra that there is absolutely no evidence to indicate that the applicant had practised fraud and in the absence of such evidence the punishment is illegal. Mr.Mohanty, learned Standing Counsel for the Railway Administration has placed before us all the relevant documents and has left no stone unturned to convince us that both the charges have been brought home against the applicant. After perusing the relevant documents we are fully satisfied that the disciplinary authority took a very correct view and has imposed a penalty which necessitates in this case.

5. In such circumstances, we do not feel inclined to interfere in this matter and therefore, we find that there

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being no merit in this case, it stands dismissed leaving the parties to bear their own costs.

*Case No. 3
29.4.88*
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.

*Rashmi
29.4.88*
.....
Vice-Chairman.

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 29, 1988/S.Sarangi.