

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH;CUTTACK

ORIGINAL APPLICATION NO: 88 OF 1991

Date of decision: August 12, 1993

Shri Chaitanya Kumar Rout ... Applicant

Versus

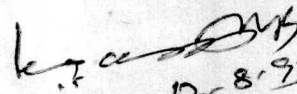
Union of India and others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all Benches of the Central Administrative Tribunals or not? No

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

12 AUG 93

  
(K.P. ACHARYA)  
VICE CHAIRMAN

(14)

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Versus

Union of India and others ... Respondents

For the Applicant ... M/s Ganeswar Rath,  
P.K. Mohapatra,  
A.K. Patnaik,  
J.C. Sahoo,  
Advocates

For the Respondents ... Mr. R.C. Rath,  
Standing Counsel (Rly.)

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CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN  
AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)  
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J U D G M E N T

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order contained in Annexure 4 ordering recovery of Rs. 4,890/- from the petitioner.

2. Shortly stated the case of the petitioner is that the petitioner is a Gr. I Engineer Mechanical under the South Eastern Railway. A

Gas Leak Detector was entrusted to the petitioner.

Since the petitioner lost the same, the petitioner was called upon to submit his explanation and the same had been held to be unsatisfactory. The competent authority passed an order directing recovery of the amount mentioned above which is under challenge and sought to be quashed.

3. In their counter, the Opposite Parties maintained that rightly the impugned order was passed by the competent authority which should not be unsettled - rather it should be sustained.

4. We have heard Mr. Ganeswar Rath learned counsel appearing for the petitioner and Mr. B. C. Rath learned Additional Standing Counsel appearing for the Railway Administration. Learned counsel for the petitioner vehemently urged before us that after the impugned order of punishment was passed a proceeding was initiated against the petitioner. Therefore, the order of punishment should be quashed as principles of natural justice has not been complied before passing the impugned order of punishment. In our opinion no such proceeding should have been initiated because a minor penalty has been imposed and such minor penalty could be passed considering the explanation of the delinquent officer. In this case explanation of the petitioner has been considered and found to be unsatisfactory and thereafter the impugned order has been passed.

Therefore, initiation of a departmental proceeding

is redundant. We have given our anxious consideration to the arguments advanced at the Bar. Admittedly the petitioner had taken charge of the detector and was hold-ing the same. For ~~the~~ some reason or the other the property of the Government has been lost in the hands of the petitioner. The Government cannot sustain the loss. It must be reimbursed. The only person liable for reimbursement is the person holding the property entrusted by the Government. Therefore, rightly the concerned authority directed recovery of the amount from the petitioner. Hence we find no merit in this application which stands dismissed. No costs.

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MEMBER (ADMINISTRATIVE)

12 AUG 93

.....  
VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack, K. Mohanty,  
12th August, 1993.

