

9

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.115 OF 2008
Cuttack, this the 16th Day of April, 2008

Sudhanshu Kumar Kar..... Applicant

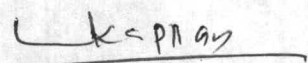
Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not? +
2. Whether it be circulated to Principal Bench Central Administrative Tribunal or not? +


(C. R. MOHAPATRA)
MEMBER (A)


(JUSTICE K. THANKAPPAN)
MEMBER(J)

10

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 115 OF 2008

Cuttack, this the 16th Day of April, 2008

CORAM:

Hon'ble Shri Justice K. Thankappan, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

.....

IN THE CASE OF:

Sudhanshu Kumar Kar, aged about 39 years, son of B.K. Kar, At-Gopinathpur (Hat Bazar), Post-Jatni, Dist-Khurda, at present working as Khalasi/Gr. 'D' under the SSE, (Colw), Eco. Railways, Khurda.

..... **Applicant**

By the Advocate(s) M/s P.K. Bhuyan
B.K. Mohanty,
S.S.Chhualsingh

Vs.

1. Union of India represented thorough the General Manager, E.C. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.
2. The Chief Personnel Officer, E.Co. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.
3. The Divisional Railway Manager(Mech.), E. Co. Railway, Khurda Road, Jatani, Khurda.
4. The Senior Divisional Personnel Officer, Eco. Railway, Khurda Road, Jatani, Khurda.
5. The Divisional Mechanical Engineer, Eco. Railway, Khurda Road, Jatani, Khurda.
6. The Senior Section Engineer (Colw), Eco. Railway, Khurda Road, Jatani, Khurda.
7. Shri K. Sarkar, Assistant Efficiency Officer, E.C. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.

MB

..... **Respondent(s)**

By the Advocate(s)..... **Mr. B.K. Mohapatra**

11

O R D E R

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

The applicant approached this Tribunal mainly with two prayers. The first one is to quash report of Inquiry Officer dated 27.08.07, communicated to the applicant as per letter dated 04.09.07, (Annexure-A/15) and the second prayer is to have a direction to the Respondents to pay all the service and financial benefits to the applicant.

2. This Tribunal heard Mr. P.K. Bhuyan Ld. Counsel appearing for the applicant and Mr. B.K. Mohapatra, Ld. Counsel appearing for the Respondent and perused the records made available to this Tribunal and also the provisions of law relating to the subject.

3. The applicant joined as a Group 'D' employee in the South Eastern Railway on 13.12.1996. While working so, on 21.02.2000 the vigilance wing of the Railway came to his work place and asked some question to him regarding his date of birth and qualification etc. In continuation of the inquiry of the vigilance wing a charge memo has been served on the applicant on 16.02.2001 for which the applicant had filed his defence statement and disciplinary inquiry has been ordered and finally the inquiry has been fixed and the inquiry officer drawn an inquiry report as Annexure-A/11. The main contention of the applicant is that the inquiry report drawn by the inquiry officer is ~~on~~ an exparte inquiry as the applicant ~~do not have~~ not ²

12

been given sufficient opportunity to defend his case. The another contention of the applicant is that he was not served with the punishment order imposed against him in time rather on 17.01.07 as the Respondents contentions.

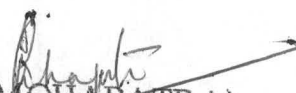
4. This Tribunal also perused the counter filed for and on behalf of the Respondents. In the counter the stand taken by the Respondents are that on the advise of the vigilance wing vide their letter dated 16.02.2001 the applicant was served with a major penalty chargesheet on 28.02/01.03.2001 through DME Khurda Road as the disciplinary authority. The specific allegation in the charge memo is that the applicant submitted false School records and certificates at the time of his appointment regarding his educational qualification, age etc. Submitting false records relating to his qualification for appointment is a serious charge. Further it is stated in the counter that the applicant had already collected all the inquiry records on 26.11.2001 itself. Further it is stated in the counter that in spite of several adjournment and notices the applicant did not cooperate with the inquiry and hence the inquiry completed and the report has been drawn by the inquiry officer. Further it is stated in the counter that on the basis of the inquiry report the disciplinary authority has passed an order of punishment as per punishment notice No.Con/Sr.DME/KUR/Vig/2000/SKK/239 dated. 17/18.01.2008. (Annexure-R/4), by which the applicant was removed from the service.

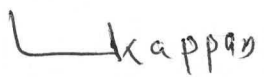
5. The applicant approached this Tribunal complaining that he was not served with the notice of punishment as stated in the

13

13

counter. The specific case stated in the counter is that the notice of punishment has been communicated to the applicant. As the applicant was absent on 17/18.01.08, notice of punishment has been published in the Notice Board. The applicant had a case at this juncture that he was on medical leave for which he had already applied with the authorities. The applicant also relies on a medical certificate issued by a private Doctor. We have perused the medical certificate and Attendance Register produced by the Respondents as Annexure-R-8. On perusing the above we are satisfied that the applicant was absent in his residence and hence the publication of the notice of punishment on the Notice Board is sufficient service. The medical certificate produced by the applicant does not give confidence. It's authenticity is doubtful. Hence the contentions of the applicant are baseless. Hence this O.A. stands dismissed without order for any costs. However, the applicant may challenge the punishment order passed by the Respondents as per law. Ordered accordingly.


(C. R. MOHAPATRA)
MEMBER (A)


(JUSTICE K. THANKAPPAN)
MEMBER(J)