

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CALCUTTA

M.A. 312 of 96

O.A. 964/96

Present : Hon'ble Mr. Justice G.L. Gupta, Vice-Chairman.

Hon'ble Mr. B.P. Singh, Administrative Member.

Samaresh Bhattacharyya, son of late
D.N. Bhattacharyya, aged about 65 years
employed as Head Clerk in the South
Eastern Railway, resident of P.O.
Malancha-Mahinagar, District-
24-Parganas (S).

...Applicant.

- v e r s u s -

1. Union of India, through the
Secretary, Ministry of Railways,
Rail Bhawan, New Delhi-110 001.
2. Chairman, Railway Board, Rail Bhawan,
New Delhi-110 001.
3. General Manager, South Eastern Railway, Garden
Reach, Calcutta-700 043.
4. Chief Project Manager, South Eastern
Railway, Garden Reach, Calcutta-700 043.
5. Senior Project Manager, South
Eastern Railway, Garden Reach,
Calcutta-700 043.
6. The Chairman, Union Public Service Commission,
Dholpur, New Delhi-110 001.
7. F.A. & CAO (Pension) South Eastern
Railway, Garden Reach, Calcutta-700 043.
8. Director of Accounts (Postal) West Bengal
Circle, 20, Abdul Hamid Street, Calcutta-700 069.

...Respondents.

For the applicant : Mr. R.K. De, counsel.
Mr. S. Bhattacharjee, counsel.
For the respondents: Mr. S. Choudhury, counsel.

Date of order: 26.06.2001

O R D E R

Contd...2

We had heard arguments in this case on 20.06.2001. But the arguments could not be completed. Today when we started hearing arguments there was a request from the side of the Id. counsel for the applicant that the applicant is an old man and now he does not want to challenge the order of the disciplinary authority on merits. He prays that the punishment which has been imposed upon him should be reduced keeping in view the long duration of disciplinary enquiry and the retirement of the applicant in 1991 so that the applicant who has already suffered a lot, may not suffer more. He points out that the amount involved in the proved charge is Rs.25,500/- only. He prays that the period of withholding of 25% pension may be reduced to 20 months.

2. Mr. Choudhury, Id. counsel for the respondents does not object to the alteration of the punishment. He submits that keeping in view the circumstances of the case the Hon'ble Tribunal may take appropriate decision as to the quantum of punishment.

3. It is noticed that the applicant was served a chargesheet on 8.1.86 when he was in service. As per Annexure-A/8 to the O.A., one charge was framed against him. The applicant has been exonerated of the second part of the charge. It is further noticed that in the list of the documents annexed with the chargesheet seven items were included and the amount of these seven items was Rs.4,40,728/- but the applicant has been found guilty only in respect of the first two items, the amount of which is Rs.25,500/- as per the record. In the show cause notice dated 26.07.1994 as per Annexure-A/14 it was stated that because of the fault on the part of the applicant, the Railway has suffered a loss of Rs.4,40,728/-, but we find from the Annexure-A/1 that the charge had been framed only in respect of two items involving the monetary loss to the Railway of the sum of Rs.25,500/-.

4. Having considered all the facts and circumstances of the case we are inclined to accept the prayer made by the Id. counsel for the applicant. Consequently the O.A. partly succeeds. While upholding the findings of the disciplinary authority on the charge framed against him, we modify the order of quantum of punishment. It is directed that there shall be reduction of 25% monthly pension admissible to the applicant only for a period of 20 months instead of 5 years.

5. At this point of time, Mr. De brings to our notice that the matter of grant of leave encashment is pending with the respondents which should now be decided. Mr. Choudhury states that appropriate orders in this regard shall be passed early.

6. No other contention is made before us.

7. No order is passed as to costs.



Member (A)



Vice-Chairman.

a.k.c.