

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

.....
Date of order : 07.03.2001.

O.A.NO. 33/1999

Raghu Nath S/o Shri Sura Ram aged about 33 years, R/o Qtr. No.9, UIT Quarters, Pratapnagar, Jodhpur at present employed on the post of Watchman in the Main Guard Room Air Force Station, Jodhpur.

....Applicant.

VERSUS

1. Union of India through Secretary to the Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Air Officer Commanding, Air Force Station, Ratanada, Jodhpur.
3. The Chief Administrative Officer, Air Force Station, Ratanada, Jodhpur.

....Respondents.

.....
Mr.J.K.Kaushik, Counsel for the applicant.
Mr.Vinit Mathur, Counsel for the respondents.

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CORAM:

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN
HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER :

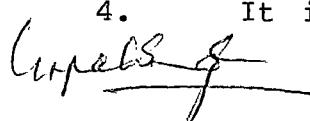
In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant, Raghu Nath, has prayed for quashing the impugned order dated 17.11.98 (Annex.A/1) and order dated 14.12.98 (Annex.A/2), with all consequential benefits.

(Signature)

2. Applicant's case is that he was initially appointed to the post of Watchman in January 1984 with the respondent department in Jodhpur. The applicant was on duty at Barrier No.1 on 10/11.11.98. The second respondent, Air Officer Commanding, Air Force Station, Ratanada, Jodhpur, came on inspection and asked the applicant if he was sleeping and the applicant was asked to report to Civil Administration after his duty. Thereafter, the applicant was served with a Chargesheet dated 17.11.1998. On conclusion of the chargesheet, a penalty of with-holding of one increment for one year without cumulative effect was imposed upon the applicant vide communication dated 14.12.98. No appeal was filed on the ground that the penalty was imposed under CCS/CCA Rules which do not apply to the applicant. It has also been pointed-out by the applicant that one Shri Rajvir, Chowkidar, was also imposed similar penalty on similar charges. However, the penalty was subsequently cancelled. Hence, this application.

3. In the counter, the respondents have contested the application vehemently and it has been stated by them that the applicant was sleeping on the post at the relevant time and it has also been stated by the respondents that the penalty of stoppage of one increment for a period of one year without cumulative effect, has been imposed upon the applicant after considering his representation in this regard. Hence, it has been averred by the respondents that the application is devoid of any merit and is liable to be dismissed.

4. It is seen from the chargesheet dated 17.11.98



that the applicant while on duty on 9/10.11.98 on runway barrier No.1, was found sleeping on his duty point by the Air Officer Commanding and for that lapse, a penalty of with-holding of one increment for a period of one year without cumulative effect, has been imposed upon the applicant. Normally, the Tribunals/Courts cannot re-appreciate the evidence in disciplinary cases unless ofcourse the case is of no evidence or the punishment is shocking or there are some procedural lapses. In the instant case, it cannot be disputed that the applicant was found sleeping on his duty. It is also seen that the applicant was asked to explain his conduct in this regard and after due consideration of his representation, the penalty of with-holding of one increment was imposed upon the applicant. We also notice that the penalty of with-holding of one increment for a period of one year without cumulative effect is neither dis-proportionate to the alleged mis-conduct nor is shocking. In these circumstances, we are of the view that no interference of the Tribunal is called-for in the case. In the circumstance, we pass the order as under:-

The Original Application is dismissed but without any costs.

Gopal Singh
(GOPAL SINGH)

Adm.Member

B.S.RAIKOTE
(B.S.RAIKOTE)
Vice Chairman

P/Copy
m/s/s
and

1/1 copy
R/S/els
for b/t/ 213
b/t/k. mather

Part II and III destroyed
in my presence on 22.3.07
under the supervision of
Section Officer (II) as per
order dated 19.1.07

Section Officer (Record)