

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**Original Application 191/2008**

**Date of Order : 12.12.2011**

**CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &  
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)**

Dinesh Kumar Asthana S/o Shri J.B.Asthana aged about 61 years, R/o 142-B friends colony, Hissar (Haryana) last employed and superannuated from the post of Safety Counselor (Senior Section Engineer, P.Way) an Ex-cadre post, under the Divisional

**.....Applicant.**

By Mr. J.K.Mishra, Advocate.

**Versus**

1. Union of India through Secretary, Ministry of Defence, Government of India, Raksha Bhawan, New Delhi.
2. Additional Divisional Railway Manager, North Western Railway, Bikaner Division, Bikaner.
3. Sr. Divisional Engineer (Co-ordination), North Western Railway, Bikaner Division, Bikaner.
4. Divisional Safety Officer, North Western Railway, Bikaner Division, Bikaner.

**..... Respondents**

By Mr. Manoj Bhandari, Advocate.

**ORDER (ORAL)  
[PER DR. K.B.SURESH,JUDICIAL MEMBER]**

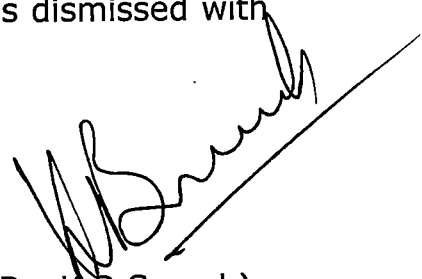
Heard both the counsels in great detail and examined the documents including the OA No. 28/2007 wherein in Para No. 13, we have held on 19<sup>th</sup> May, 2011 itself that the applicant was certainly guilty of gross negligence in maintenance of records, for which he has already been punished through Annexure A/11 dated 29.6.2007, in that OA, and having held that no case is made out, and based on that punishment, we had passed an order in favour of the applicant, for the reason that shortage is

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lesser than the excess, and, therefore, no recovery could be made. Having done so earlier, and having still stood unchallenged, we are bound by the said findings. Therefore, there is no cause to be agitated now. The O.A. is dismissed with no order as to costs.



(Sudhir Kumar)  
Administrative Member

jrm



(Dr. K.B. Suresh)  
Judicial Member