

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.512/94

Friday, this the 29th day of April, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

M Aruchamy,
D.No.75, Marappalam,
Dharmaraj Nagar,
Madukkaral--641 105.

....Applicant

By Advocate Shri B Gopakumar.

Vs.

1. Union of India represented by
General Manager, Southern Railway,
Madras.
2. Chief Engineer,
Southern Railway,
Madras.
3. Senior Divisional Engineer,
Southern Railway,
Palghat.
4. Assistant Engineer,
Southern Railway,
Palghat.
5. Sri Rajagopal, Enquiry Officer,
Permanent Way Inspector,
PWD Southern Railway,
Palghat.
6. Assistant Personnel Officer (Engg),
Headquarters Office,
Personnel Branch, Madras.

....Respondents

By Advocate Shri Mathew J Nedumpara.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

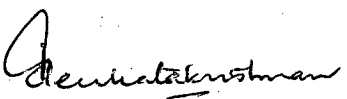
The authorities below concurrently found applicant guilty of charges of misconduct. The articles of charges were that he refused to obey orders of his superior officer and also that he hit his superior officer on his head with an umbrella.

contd.

2. According to learned counsel for applicant who argued his case in very great detail, the evidence does not justify the finding of guilt. It is not for this Tribunal to examine sufficiency of evidence, or to reappreciate evidence. Interference is merited only if the findings are unreasonable, or vitiated by errors apparent on the face of record. The authorities below have examined the evidence in detail and have come to the conclusion that applicant, M. Aruchamy, hit his superior officer on his head with an umbrella and caused bleeding injuries. We have been taken through the evidence. We find no infirmity in the findings of fact and we have no hesitation in endorsing the findings. On the question whether the punishment imposed is grossly disproportionate to the gravity of the crime, the revisional authority found that the applicant acted in such a way as to demoralise the morale of the officials and that the punishment was appropriate. It is not possible to say that this view is erroneous either.

3. We dismiss the application. However, this will not stand in the way of respondents or the competent authority from considering a mercy petition (which counsel submits, applicant proposes to make) regarding the question whether the punishment of dismissal should be converted into compulsory retirement. No costs.

Dated the 29th April, 1994.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN