

(A7)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 297 of 1989

Sriniwas Chaubey

Applicant

versus

Union of India & others

Respondents.

Shri O.P.Srivastava Counsel for Applicant.

Shri B.K.Shukla Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant who was working Guard grade B was placed under suspension vide order dated 17.9.1986 and a charge sheet was served upon him on 14.10.86 and the charges against the applicant was that while working as such in train No. 105 Dn., he took Rs 1,2 and 3 from passengers and asked them to go without ticket after making payment to him and as soon as the train moved the Vigilance Inspector intercepted. It has further been alleged that one of the persons gave statement that he paid Rs 2/- for Ajgain. Along with charge sheet certain other documents were also supplied including the statement of witnesses and the enquiry officer was appointed and the enquiry officer submitted the enquiry report after conducting the enquiry and examining the witnesses. The punishing authority,

imposed the punishment of withholding of increments for two years. The applicant filed appeal against the punishment but the appeal was dismissed vide order revision dated 16.11.87 and subsequently/was filed by the applicant which was decided ~~during the pendency of the revision~~ and the punishment was reduced from two to one increment. The learned counsel for the applicant contended that the charge against the applicant was not proved and he has not committed any such work and he was not given opportunity.

2. As a matter of fact the charge sheet for major penalty was issued and it was within the competence of the authority to give minor, instead of major punishment. The statement of witnesses were examined and it was within the domain of the enquiry officer to accept one set of witnesses and reject the other and the respondents have not committed any illegality. It is not a case in which opportunity was to be given. Even if some extraneous ~~consideration~~ matter was brought, it was not a case of no evidence because if some evidence was there, punishment was given. No interference is called in this application and the same is accordingly dismissed. No order as to costs.

Adm. Member.

Vice Chairman.

Shakeel/-

Lucknow: Dated 6.1.93.