

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A.No. 656/92

Monday this the 14th day of February, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

Munder Lai, son of Shri Budhar
Peon, Utter Railway Health Centre
Balamau Dist. Hardoi
resident of Mohalla Joshiyana
Sandila, Dist. Hardoi. ... Applicant

(By Advocate: None present for applicant)

Vs.

1. Union of India through the Secretary
Railway, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Moradabad.
3. Chief Medical Superintendent,
Moradabad.
4. Assistant Divisional Medical Officer
Northern Railway Health Centre,
Balamau, Dist. Hardoi. ... Respondents

(By Advocate Mr. A.K. Chaturvedi)

The application having been heard on 14.2.2000 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant a Peon working in the Northern
Railway Health Centre, Balamau was issued with a charge
for imposition of minor penalty alleging that on 14.10.91
at 4 pm he was found drunk and misbehaving in the dress-
ing room of the hospital while his duty on/ date ceased at
2 pm. It was also alleged that when/ was/ taken to the hospital
he left his shirt which was soiled with the vomiting in the
jeep and he escaped. The applicant submitted an explanation
that while he went to the dressing room he was sick and

contd...

omitted there denying the rest of the allegations. His explanation was not accepted and the 4th respondent by his impugned order imposed on him a penalty of reduction in pay in the scale Rs.750-940 from Rs.798 to Rs.750/- for a period of three years without cumulative effect. Aggrieved by this the applicant has filed this application challenging the order impugned. It is alleged in the application that he has been reverted from the scale Rs.798-940, that this is in violation of Art. 311(2) of the Constitution and that there was no justifiable reason for imposing the penalty.

2. The respondents in their reply statement have stated that the applicant was awarded a minor penalty after considering the explanation submitted by him ~~xxx~~ by the competent authority being convinced that the applicant was guilty. However, it has been stated in the reply statement that there has been some mistake in the impugned order of penalty inasmuch as it was stated therein that the applicant was re-appointed. The applicant was never reappointed but restored to the original pay on expiry of the period of three years. It has also been contended that the application is not maintainable because the applicant did not file an appeal against the impugned order.

3. When the application came up for hearing none appeared for the applicant even though the case was called twice. We have heard Shri A.K.Chaturvedi, learned counsel appearing for the respondents and have gone through the pleadings carefully.

4. On a careful scrutiny of the materials available on record, we do not find any infirmity in the penalty of

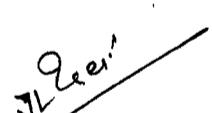
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reduction in pay in the same grade for a period of three years as the competent authority was on the basis of the explanation submitted by the applicant convinced that the allegation against him was established. The applicant has not in his explanation sought for any regular enquiry being held and therefore, it was not necessary to hold a regular enquiry in this case. The case of the applicant that he has been reverted is also not correct because his pay has ^{only} been reduced in the same grade for a period of three years. We do not find any justification for judicial intervention in this case.

5. However, in the impugned order there is a mistake committed by the disciplinary authority inasmuch as it was stated therein that the applicant was re-appointed. This has been made clear in the reply statement that the applicant was never re-appointed and was only given the penalty of reduction in pay. We take note of this statement in the reply statement.

6. In the result, the application is dismissed. No order as to costs.

Dated the 14th day of February, 2000


J.L. NEGI
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

s.