

AS

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCULAR BENCH, LUCKNOW.

....

Registration C.A. No. 177 of 1990(L)

Kishori Lal ... .. Applicant.

Versus

Union of India,  
and others .... .. Respondents.

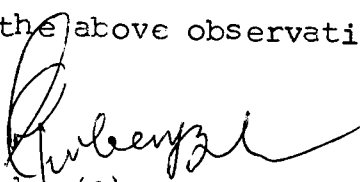
Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

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

The applicant who was working as Goods Superintendent Grade-II at Lucknow was served with a charge-sheet along with the statement of charges on a cyclostyled form issued on 27.10.1988. The charge against the slackness in supervision in the matter of allotment of wagon which instead of being done by him was done by some one other, although he was present. The chargesheet was replied by the applicant on 7.11.1988 denying the allegation. It was stated by the applicant that he was on leave and he had joined the duties on 2.10.1988 but he could not work in the office on that very day. He had actually joined on 3.10.1988 in the office. But, the reply of the applicant did not find favour of the respondents, and that is why, the disciplinary authority came to the conclusion that the applicant is guilty of the said charges. The applicant filed an appeal against the same and in appeal, personal hearing was also given to the applicant but the appeal was dismissed. The review application was also dismissed and the punishment was confirmed. The learned counsel for the applicant contended that it is because of the enhancement of the <sup>second</sup> punishment, similar charges were given to him. Although, the applicant has joined the duty on 3.10.1988, in the office and the happening took place

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on 2.10.1988, he has unnecessarily been levied with the said responsibility. In may be , there are no good grounds for interfering in the procedure which has been adopted, but as contended by the learned counsel for the applicant that the quantum of punishment in this case appears too harsh. In one case, only punishment of one year was given but in the instant case, punishment of withholding of two years increments has been maintained although the charges were same. The Tribunal can not interfere in the quantum of punishment. However, the respondents themselves will consider as to whether this punishment can be reduced to one year. However, it is still open for the revisional authority to consider the case of the applicant and to reduce his punishment for one year. The application is disposed of with the above observations without any order as to costs.



Member(A)



Vice-Chairman

Dated: 19.5.1992

(n.u.)