

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.115/87

Shri M.H.Pawar,  
Kanjurwada,  
Nandurbar,  
District-Dhule.

.. Applicant

V/s.

1. The Union of India through  
the General Manager,  
Western Railway,  
Churchgate,  
Bombay.

2. The Divisional Railway Manager,  
Western Railway,  
Bombay Central.

.. Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil  
Hon'ble Member(A), Shri L.H.A. Rego

Appearance:

Shri S.B.Kasar,  
Advocate for the  
applicant.

Shri A.L.Kasturey,  
Counsel for the  
respondents.

ORAL JUDGMENT:

Dated: 2.8.1988

(PER: Shri B.C.Gadgil, Vice-Chairman)

This is an application filed by a railway employee who has been removed from service on 24.11.1984 after holding a departmental inquiry. The relevant charges were framed against him and one Shri Mashroowala was appointed as the Inquiry Officer, who enquired into the matter and submitted his report to the Disciplinary Authority on 14.9.1984. The latter after examining the matter in its entirety, passed an order on 24.11.1984,

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removing the applicant from service. He preferred an appeal thereon, which was dismissed on 11.4.1985.

2. When the matter was called out for hearing, Shri S.B.Kasar, on instructions from his client who was present in the Court today, stated that he was confining his prayer in the application, only to the quantum of penalty. Hence the question to be decided is, whether the penalty of removal of service is disproportionate as compared to the gravity of the mis-conduct alleged against the applicant.

3. We have carefully gone through the memorandum of charges. It appears to <sup>us</sup> ~~as~~ that the charges are not so grave, as to warrant the extreme penalty of removal from service. Shri Kasar pleaded for leniency and suggested that withholding of a few increments would meet the ends of justice. In our view, this would not be proper as it would be tantamount to treating the matter with levity. However, after anxious consideration of the relevant circumstances, we feel that the ends of justice would be met, if we direct reinstatement of the applicant, and treat the intervening period from 24.11.1984 till reinstatement as leave due, if need be, by granting extraordinarily leave. In the result, we make the following order:-

O R D E R

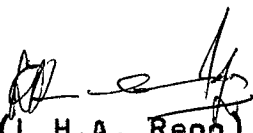
1. The application partly succeeds.
2. The impugned order of removal from service is modified by directing, that the applicant


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be reinstated in service immediately,  
on the pay and other emoluments that he  
was drawing at the time of his removal.

3. We further direct that the intervening  
period from 24.11.1984 till his  
reinstatement as above be treated as leave  
due and if need be, as extraordinary leave.
4. This order be complied with within a  
period of one month from today.
5. Parties to bear their own costs of this  
application.

  
(L.H.A. Rego) 2-8-1988  
Member(A)

  
(B.C. Gadgil)  
Vice-Chairman