

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

Tr. Appln. No. 419/87

A.S. Gill,  
1/12, M.I.G. Colony,  
Rajawadi, Ghatkopar,  
Bombay.

... Applicant  
(Original Plaintiff)

vs.

Union of India & Anr.

... Respondents.  
(Original Defendants)

Coram: Hon'ble Member (A) J.G. Rajadhyaksha

Hon'ble Member (J) M.B. Mujumdar

Appearances:

1. Mr. Butani  
Advocate for  
the Applicant.
2. Mr. R.K. Shetty  
Advocate for  
the Respondents

TRIBUNAL'S ORDER

Date: 21-3-1988

Heard Mr. Butani, Advocate, for the  
applicant and Mr. R.K. Shetty, Advocate, for the  
respondents.

2. The applicant is residing at  
Ghatkopar and he used to go to his office at  
the Naval Dockyard. His office hours were from  
8.30AM to 5.15PM. He used to go to his office  
ordinarily by the 7.30AM local train from  
Ghatkopar to Bombay V.T.

3. On 19-1-1971 he could not go to  
his office. On the next day, he submitted an  
application requesting for casual leave on  
19-1-1987. According to him, he could not

....2/-

attend the office because local train services were disorganised on the morning of 19-1-1971. The respondents felt that the reasons given by the applicant were not true. Hence they served a charge <sup>Sheet</sup> on him on 6-4-1971. A departmental inquiry was started. On 26-4-1971, he produced a letter from the Station Superintendent, Bombay V.T. certifying that suburban train services were disorganised from 6.45 hours to 7.50 hours, on 19-1-1971. Thereafter, the Asstt. Personnel Manager, Admiral Supdt's Office, Naval Dockyard, Bombay, wrote a letter to the Railway authorities. By his letter dtd. 19-7-1971 the Divisional Supdt., Central Railway, Bombay V.T. informed that on 19-1-1971 there was no disorganisation of suburban trains going from Ghatkopar to Bombay V.T. between 7 and 9 in the morning, though only one train, viz. T-18UP leaving Ghatkopar at 7.57AM was cancelled. The Divisional Supdt. further informed that all other trains ran as per schedule and arrived at Bombay V.T. in time. As regards the certificate given by the Station Supdt. on 19-4-1971, the Divisional Supdt. informed that the certificate was issued in respect of the "down" train services, i.e. trains leaving from Bombay V.T. The train services coming to Bombay V.T. during this period were not affected. On the basis of this certificate, the applicant is held guilty by the Inquiry Officer.

4. Now the question before us is which of the two certificates is to be relied upon. This can be ascertained only by calling information as to which local train from Ghatkopar and beyond to

Bombay V.T.(via.Ghatkopar) ran punctually between 7 to 8 in the morning of 19-1-1971.

5. We,therefore, direct both the parties to obtain the necessary information from the Ghatkopar Station Master and the Divisional Supdt., Central Railway, Bombay V.T. as to which local trains ran punctually between 7 to 8 AM on 19-1-1971 from or **via** Ghatkopar to Bombay V.T. We,further direct that the respondents shall bring the necessary information from their office record showing as to how many employees staying at Ghatkopar and beyond attended their duty in their workshop on time on 19-1-1971 i.e. at 8.30AM. The respondents shall also inform as to how many employees in the workshop attended late on that date by showing reason that the train services were disorganised.

6. Copies of this order should be sent to the respondents immediately. Copies should also be given to advocates for both the sides.

7. Keep the case for further hearing on 26-4-1988.

(J.C.RAJADHYAKSHA)  
Member(A)

(M.B.MUJUMDAR)  
Member(J)

*Read and sign*  
*Advocate for respondents*  
*22/3/88*

*Advocate*  
*(S.S.SAWANT)*  
*22/3/88*