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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.102/88

Anil F. Agarwal,
Jai Durga Chawl,
Room No.1/2 B,
Laxman Mhatre Road,
Dahisar (West),
Bombay - 400 068.

.. Applicant

vs.

Chief Cashier,
Cash & Pay Office,
Central Railway,
Bombay V.T.
Bombay - 400 001.

.. Respondent

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman
Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Applicant in person.
2. Mr. J.G. Sawant
Counsel for the Respondent.

ORAL JUDGMENT:

Date: 6-6-1991

(Per U.C.Srivastava, Vice-Chairman)

The applicant has approached this Tribunal against the removal order dtd. 4-7-1986 passed by the Chief Cashier, Central Railway, Bombay and the appellate order dtd. 5-9-1986.

2. The applicant, who appeared in person and submitted his written arguments, was working as a Shroff in the Cash & Pay Office of the Central Railway at Bombay V.T. station. On 29th March, 1984 a shortage of Rs.30,000/- was detected in cash. According to the applicant although he was not concerned with this under threat of criminal action he signed the statement confessing the guilt of misappropriation. According to him after completing his work at office he went away to his home and about 9.30PM one Shri Lad from the cash office came to his residence and told him that he was immediately required in the office. When he reached in the office at night he was made to confess. He was suspended and

departmental inquiry against him proceeded.

In the departmental inquiry he was found guilty and the removal order was passed. Against that he filed an appeal and the appeal was also rejected.

3. The contention of the applicant is that the appellate authority did not give him any hearing. The applicant made an appeal, the same was considered and dismissed.

4. There appears to be no prayer that a personal hearing is to be given to him. The applicant has challenged the findings of the Inquiry Officer on the ground that the statements were not correctly made, it is mislead and the evidences were not correctly appreciated. In case the same would have been correctly appreciated then the finding would have been in his favour. We are afraid that we cannot enter into this question as we are not sitting in appeal over the findings of the Inquiry Officer. Even if it could be said that some other Inquiry Officer could have given another finding then also it will be beyond our jurisdiction. Even then it is not a matter where we can interfere as it has the exclusive jurisdiction of the departmental authorities and they have arrived at a particular conclusion. We do not find any flaw, or any error in the proceedings which were taken. The authorities concerned have come to the conclusion ^{at his instance} ~~after~~ they sent someone to the residence of the applicant and ~~brought~~ recovered the cash from the applicant's residence. In his argument the applicant states that all these were made up matter and nothing like that has happened.

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5. We do not find any merit in these submissions as such the application has got to be dismissed. It is accordingly dismissed with no order as to costs.

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(M.Y.PRIOLKAR)
Member(A)

(U.C.SRIVASTAVA)
Vice-Chairman