

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 83/88  
T.A. No. ----

198

DATE OF DECISION 18-8-1992

K.B.Pimpalkar

Petitioner

Mr. S. P. Kulkarni

Advocate for the Petitioner(s)

Versus

Union of India &amp; Ors.

Respondent

Mr. P. R. Pai

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

N O

MGIPRRND-12 CAT/86-3-12-86-15,000

MD

S.K.DHAON  
VC

(8)  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.83/88

K.B.Pimpalkar  
H.T.C. Pune Rly. Station,  
Central Railway,  
Pune.

.. Applicant

vs.

1. Asstt.Commercial Supdt.,  
Centrally Railway,  
Bombay.
2. Divisional Commercial Supdt.,  
Centrally Rly. Bombay.
3. Senior Commercial Supdt.,  
Central Rly.,  
Bombay.
4. Asstt.Divisional Rly.Manager,  
Central Railway, Bombay.
5. General Manager,  
Central Rly.,  
Bombay.
6. Union of India  
through  
General Manager,  
Central Railway,  
Bombay V.T.

.. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,  
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.S.P.Kulkarni  
Advocate for the  
Applicant.
2. Mr.P.R.Pai  
Counsel for the  
Respondents.

ORAL JUDGMENT: Date:18-8-1992  
(Per S.K.Dhaon, Vice-Chairman)

On 22nd May,1986 the disciplinary authority awarded a minor punishment to the applicant. It directed that one increment of the applicant be withheld for a period of one year. It, however, made it clear that upon the expiry of the said period the order will not have the effect of postponing the future increments, of the applicant. The appeal preferred by the applicant too has been dismissed. The orders of

the disciplinary authority and the appellate authority have been impugned in this application. The undisputed facts are these:-

2. On 7th of April, 1985 a first class accommodation was in reserve for an Hon'ble Judge of the High Court. He was to board the train at Manmad and was to travel upto Nagpur. Inspite of the reservation, the Hon'ble Judge was not given his berth with the result that he had to travel in a sleeper. Later on, at the subsequent station, the learned Judge was transferred to the first class coach and there, it appears, he was given the berth which was originally reserved for him.

3. According to the department on 7-4-1985 the applicant was the captain of the Train viz. 39 DN in which a berth has been reserved for the Hon'ble Judge. The applicant's case is that he was not <sup>the</sup> Captain, he was merely a Senior TTE who was supposed to look after "A" Sleeper coach. The finding recorded is that he was the Captain of the train on the crucial date. This is the finding of the fact which is normally binding on this Tribunal. Nothing has been shown to us to upset this finding.

4. Once it is found that the applicant was the Captain of the train on 7-4-85, there can be no escape from the conclusion that it was his duty to see that a berth ~~xxxxxx~~ reserved for any passenger is available to him. The fact that the Hon'ble Judge was later on accommodated on his original berth shows that some one had unauthorisedly occupied the reserved berth. The applicant should have seen to it that the

berth had been vacated at Manmad station and  
the original occupant to the same ~~was~~ is accommodated.  
He has been failed to do so. He certainly failed  
in the performance of the duties. We have  
already indicated the nature of the punishment  
awarded to the applicant.

5. It cannot be said by any ~~state~~ <sup>which</sup> of  
imagination that the punishment awarded was  
excessive. No ground, therefore, exists for  
interference.

6. The application is rejected ~~but~~—  
without any order as to costs.

  
(M.Y.PRIOLKAR)  
Member(A)

  
(S.K.DHAON)  
Vice-Chairman

MD