

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCHO.A. No.
T.A. No. 334/86

198

DATE OF DECISION 30.6.1988

Shri S.M.Sutar

Petitioner

Applicant in person

Advocate for the Petitioner(s)

Versus

General Manager, C.Rly.Bombay V.T. Respondent

Shri R.K.Shetty

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.Srinivasan, Member (A)

The Hon'ble Mr. M.B.Mujumdar, Member (J)

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

TR.A.NO. 334/86

Shri Shrawan Maruti Sutar,
Rly.Qtr.No. TY-17,
Swarajya Nagar,
Lonavala 410 401.

Applicant

v/s.

Union of India
through
General Manager,
Central Railway,
Bombay V.T., Bombay 400 001.

Respondent

CORAM: Hon'ble Member (A) Shri P.Srinivasan
Hon'ble Member (J) Shri M.B.Mujumdar

Appearance:

Applicant in person

Shri R.K.Shetty
Advocate
for the Respondent

ORAL JUDGMENT

Dated: 30.6.1988

(PER: P.Srinivasan, Member(A))

The applicant who was working as Assistant Time
Keeper under the PWI(M) Lonavla was served with articles
of charge on 21.3.1983. The charges levelled against him
were briefly that he misbehaved with the staff on duty in
the office of PWI Lonavla on 5.3.1983 on which date he was
said to be on the sick list, that he disobeyed orders given
by his superiors, that he again behaved improperly with
the watchman on duty. The statement of imputation narrates
that he entered the PWI's office on 5.3.1983 at 10.00 a.m.
in a drunken state and misbehaved with the staff. He
disobeyed the orders given to him to prepare completion
report in respect of relaying of track and ~~that~~ on 3.1.1983
again he came to the office in a drunken state misbehaved with
the watchman on duty and tried to break open the doors and

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Windows. An Enquiry Officer was appointed. In his report dated 15.9.1983 the Enquiry Officer held the applicant guilty of all the charges levelled against him. The Disciplinary Authority by order dated 30.9.1983 agreed with the findings of the Enquiry Officer and imposed the punishment of removal from service with immediate effect. The applicant filed an appeal against this order. The Appellate Authority by order dated 20.12.1983 reduced the penalty to one of reduction in rank to the post of Gangman in the scale of Rs.200-250. The applicant was earlier working as Time Keeper in the grade of Rs.260-400. The applicant accordingly started working as Gangman from 12.1.1984. In this application initially filed as Regular Suit No. 1821/84 before the court of 5th Joint Civil Judge, Senior Division, Pune, the applicant complains that he was wrongly punished and prays that he should be reinstated to the post of Assistant Time Keeper w.e.f. ^{date of the M} the order of the Disciplinary Authority i.e. 30.9.1983 with full back wages.

2. The application was listed before us today. After this application was transferred to this Tribunal, Vakalatnama in favour of Shri D.V.Gangal was filed by the applicant. At the time of final hearing, Shri Gangal sought permission to withdraw. Thereafter the applicant stated that he would argue the case himself. He and Shri R.K.Shetty for the respondents have been heard.

3. We have perused the papers filed before the Civil Judge in the Regular Civil Suit. The disciplinary proceedings were initiated against the applicant on the basis of a joint complaint by 8 members of the staff to the effect that the applicant misbehaved with them. The applicant contends that 7 out of them did not confirm this in the enquiry. He submits that the whole enquiry was framed up against him and that he was not guilty of the charges.

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4. Shri Shetty submitted that a proper enquiry was conducted and the Inquiry Officer held him guilty of all the charges. The Disciplinary Authority agreed with Inquiry Officer and imposed the penalty and as such there should be no interfearance in this matter by the Tribunal in any manner.

5. After hearing both sides and perusing the records, we are of the view that the charges levelled against the applicant have been properly examined by the Inquiry Officer and the Inquiry Officer's report had been rightly accepted by the Disciplinary Authority. When we pointed out this to the applicant, he submitted in writing that he was sorry for whatever had happened in the past. He has also promised that he would behave properly in future and give no scope for complaint. He submitted before us that he has two children to support and that he has realised his faults and in future he will not misbehave atleast because he wants to support his children and bring up his family. We are satisfied that the applicant is really feeling remorseful. We also feel that the punishment is excessive. He has now been working in a lower post for four years and that according to us is sufficient punishment. We direct the respondents to restore the applicant to the post of Assistant Time Keeper or to an equivalent post within two months from today. We reduce the penalty levied on the applicant to that of reduction in rank of Gangman from 13.3.1983 till the date of his restoration in accordance with the order.

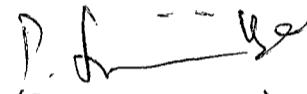
6. To sum up, We pass the following order.

(i) The respondents will restore the applicant in the post of Assistant Time Keeper or equivalent post within two months from the date of receipt of this order.

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(ii) The punishment imposed on the applicant is reduced to that of reduction in rank to the post of Gangman from 30.9.1983 till the date of his restoration as at (i) above. The reduction will not be a bar to his promotion back to his original post after the expiry of the period of reduction.

(iii) In view of what we have said above, the applicant will not be entitled to any arrears. On his restoration, his pay will be fixed at the same stage at which it was immediately before 30.9.1983.


(P. Srinivasan)
Member (A)


(M.B. Mujumdar)
Member (J)