

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 737/89

~~T.A. No.~~

198

DATE OF DECISION 1.12.1989

Mr. T.M.Antony Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Executive Director, Rly. Stores, Respondents
Railway Board, New Delhi and others.

Advocate for the Respondent(s)

CORAM

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

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

DA.NO. 737/89

(3)

Shri T.M.Antony
1, Police Patel's House,
Vikhroli Village,
Bombay.

... Applicant

vs.

1. Executive Director, Railway Stores
Railway Board, New Delhi.
2. General Manager, Western Railway
Churchgate, Bombay.
3. Controller of Stores, Western Railway
Churchgate, Bombay.
4. District Controller of Stores
Western Railway, Mahalaxmi, Bombay.... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

ORAL JUDGMENT

Dated: 1.12.1989

(PER: M.B.Mujumdar, Member (J))


Heard the applicant in person.

2. The applicant retired on 3.4.1986 as Depot Stores Keeper Gr.II. Along with memorandum dated 17.5.1988 a statement containing four articles of charge was served on him. The charges are regarding some misconduct alleged to have been committed by the applicant in 1985.
3. The respondents have not so far appointed any inquiry officer. But according to Mr. Bhanushali, Chief Clerk who is present on behalf of the respondents, inquiry officer is not appointed so far because the applicant has not replied to the charges so far. He further pointed out that the applicant is given another chance recently to submit his written statement.

(u)

4. Rule 315 (1) of the Railway Pension Rules, 1950 shows that the President has reserved to himself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if, in a departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement. Proviso (b) to that rule provides that such departmental proceeding, if not instituted while the Railway servant was in service, whether before his retirement or during his re-employment - (i) shall not be instituted save with the sanction of the President, and (ii) shall not be in respect of any event which took place more than 4 years before such institution. Other provisions of that rule are not relevant at this stage. We find that both these provisions are satisfied in this case because the proceedings are being instituted with the sanction of the President and they are in respect of an event which took place in 1985, i.e. within 4 years from the date of memorandum. Hence, prima facie, we do not find anything wrong in the respondents starting departmental proceedings against the applicant. It would be in the interest of the applicant to submit his written statement as early as possible and face the departmental enquiry. Needless to say that if the result of the departmental proceedings goes against the applicant, he can approach this Tribunal after exhausting all the departmental remedies available to him.

5. Hence, we reject the application summarily.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.B. MUJUMDAR)
MEMBER (J)