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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No.469/89.

Shri S.S.Amrite,
Room No.8, Railway Quarters
M.S./R.B.II,
Dombivali, District Thane.

... Applicant.

V/s.

Deputy Chief Engineer,
Construction, Central Railway,
Pune.

... Respondent.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:-

Applicant by Mr.L.M.Nerlekar.
Respondents by Mr.S.C.Dhawan.

Oral Judgment:-

(Per Shri U.C.Srivastava, Vice-Chairman)(Dated: 3.9.1991.

The applicant who was functioning as C.P.W.I.(C) SEGL Lonavala in January, 1987 was charge sheeted on 11.2.1987. The charge against him was that during the period January, 1987 when in charge of maintenance and laying of track in Karjat Yard he failed to ensure proper maintenance and laying of track which resulted in a derailment at about 09.30 hrs, on 8.1.1987. An inquiry was held and the Inquiry Officer submitted his report and thereafter the impugned punishment order was passed. He was found guilty of the article of charge/ imputation of misconduct or misbehaviour, viz. working in the jurisdiction of others, levelled against him and the penalty of withholding of one set of privilege passes due to him during 1988 was imposed on him.

2. The applicant complained that the Inquiry Officer's report was not given to him and he filed an appeal; the appeal was dismissed. Thereafter, he approached the Tribunal.

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3. It was contended that apart from the fact that he was prejudiced by not giving a copy of the Inquiry Officer's report so as to enable him to make an effective representation, the punishment order was in respect of charge which was not levelled against him. Obviously, as has been indicated above, the applicant has been punished in respect of a charge which was not at all levelled against him. Hence the application deserves to be allowed on this ground.

4. Accordingly, the punishment order dt. 9/11.12.1987 and appellate order thereon are quashed. There will be no order as to costs.



(P.S. CHAUDHURI)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE-CHAIRMAN.