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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY -400 614

ORIGINAL APPLICATION NO. 391/89

Muzaffar Hussain
5/20 Sattar Jalal Compound
M B Qazi Chawk
KALYAN Dist: Thane

.. Applicant.

V/s.

Divisional Railway Manager
Central Railway, Bombay V.T.

.. Respondents

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

APPEARANCES:

Shri L.M.Nerlekar
Advocate
for the applicant

Shri Subodh Joshi
Advocate
for the respondent

ORAL JUDGMENT

DATED: 29.4.1991

(PER: M.Y.Priolkar, Member(A))

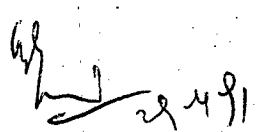
The applicant in this case was working as Train Superintendent. He was charged with misbehaviour with the vigilance inspector when the vigilance inspector questioned him regarding joining duty at Kalyan instead of at Bombay V.T. and physically pushing out the vigilance inspector and his colleague. After conducting an inquiry according to the rules, a minor penalty of reduction in the stage for two months was imposed on him. It is stated in the disciplinary authority's order that this minor penalty has been imposed taking a lenient view of his misbehaviour taking into consideration the fact that it was the fag-end of the service of the applicant.


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The applicant has challenged the penalty mainly on the ground that there is no evidence to prove that the applicant has joined duty at Kalyan and that the findings of the inquiry officer are perverse and no cogent reasons were given.

After going through the record and hearing the counsel on both sides we do not find any merit in this application. The evidence has been discussed in the inquiry report and obviously this is not a case of absolutely no evidence. It has been held by the Supreme Court in the case of Parmanand V Union of India (1989 (1) SCALE) that the Tribunal will not interfere in a case where the conclusion of the enquiry officer or the competent authority is based on evidence, even if some of it is found to be irrelevant or extraneous to the matter.

In our view the enquiry officers findings can not be considered as perverse or based on no evidence at all. The application is, accordingly, dismissed as devoid of any merit with no order as to costs.


(M.Y. PRIOLKAR)
M(A)


(U.C. SRIVASTAVA)
V.C.