CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

O.A. No. 843/89 198
~~T.A. No.~~

DATE OF DECISION 19.8.91

V.D.Karkare Petitioner

Mr. G.S.Walia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr.P.M.A.Nair Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. U.C.Srivastava, Vice-Chairman

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

1. Whether Reporters of local papers may be allowed to see the Judgement? N
2. To be referred to the Reporter or not? N
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? N

MGIPRRND—12 CAT/86—3-12-86—15,000

(U.C.Srivastava)
V/C

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
* * * * *

Original Application No.943/89

V.D.Karkare,
C/o.Mr.G.S.Walia, Advocate,
89/19, Western Railway Employees
Colony, Matunga Road,
Bombay 400 019. ... Applicant

V/s

Union of India & Ors. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr.G.S.Walia, Advocate
for the applicant and
Mr. P.M.A.Nair, Advocate
for the respondents.

ORAL JUDGEMENT: Dated : 19.8.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicant who was a Senior Cashier in the Headquarters Office at Churchgate was served with a memorandum of charge-sheed on 27.11.86 under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968. The charge against the applicant was that he had lost keys of the locks supplied by the Railway Administration and he was asked to surrender the locks but the applicant did not surrender the said locks and as such he has failed to maintain absolute integrity and devotion to duty and thereby contravening Rule 3(i) and (ii) of the Railway Servants Conduct Rules 1966. The applicant submitted his reply denying the charges against him and an inquiry was held and the Inquiry Officer without ~~kim~~ giving him a copy of the report submitted his report to the disciplinary authority. The report which is on the record indicates that the Inquiry Officer exonerated the applicant holding

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that the applicant has not violated any administrative instructions in regard to the conduct of Railway servants and cannot be concluded that he has violated Rule 1 & 2 of para 26 of the Railway Servants Conduct Rules. The disciplinary authority, therefore, did not agree with the findings of the Inquiry Officer and imposed the minor penalty as laid donw in para 6 (iv) of D.A.R. Rules viz. stoppage of one increment of Rs.50/- with cumulative effect. A perusal of the order passed by the disciplinary authority indicates that the disciplinary authority has also taken into consideration the previous conduct of the applicant of the year 1985 when a charge-sheet was issued to him. The disciplinary authority disagreed with the findings of the Inquiry Officer and without issuing any notice to the applicant the disciplinary authority passed the impugned order ~~and while~~ and while passing the impugned order the previous punishment was also taken into consideration of which too no notice was given to the applicant to explain and the order passed by the disciplinary authority obviously violates the principle of natural justice and it is not necessary to make reference of any case in this behalf. The application is accordingly allowed and the order dated 19.8.88 is quashed. It is for the disciplinary authority to decide future course of action and no observation in this behalf can be made. There will be no order as to costs.

(M.Y.Priolkar)
Member(A)

(U.C. Srivastava)
Vice-Chairman