

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 299/89
T.A. NO:

199

DATE OF DECISION 27.9.1991

Shri U.R.Kanasavi

Petitioner

Shri G.D.Samant.

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri J.G.Sawant.

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr. A.B.Gorthi, Member(A).

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

(A.B.GORTHI)
MEMBER (A).

mbm*

The Hon'ble Mr.

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, BOMBAY

299

Registration O.A. No. 199 of 1989

Shri U.R. Kanasavi Applicant.

Versus

Union of India and Others Respondents.

Coram:

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

Appearances:

Applicant by Mr. G.D. Samant.

Respondents by Mr. J.G. Sawant.

Oral Judgment:

(Per Shri A.B. Gorthi, Member(A) Dt: 27.9.1991.

The applicant who was a Cabin Assistant Station Master at Solapur since the year 1984 has filed this application under Section 19 of the Administrative Tribunals Act, 1985 aggrieved by an order of minor punishment awarded to him and the consequent injury suffered by him professionally:

1ly:

2. The applicant was ordered to function as a Yard Master but he refused to carry out the said duty on the pretext that he was not trained for the said job. Accordingly, departmental disciplinary proceedings were initiated against him. On the ~~conclusion~~ conclusion of the said inquiry he was dismissed from service, but on an appeal the punishment of dismissal was brought down to one of withholding of increment for a period of six months (Non-cumulative). The Appellate Authority further directed that the period of his absence from the date of dismissal to the date of reporting for duty would

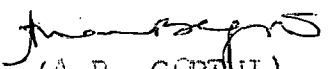
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be treated as leave due to him. Similarly, the period for which the applicant remained under suspension was to be treated as leave due to him.

3. The respondents in their reply have stated that there was no illegality as such in the conduct of the departmental inquiry and the applicant is not entitled to any relief.

4. Although the minor penalty has been challenged before us on various grounds we find it not necessary to go into all the issues raised, because the punishment had already been undergone. We however, notice that the period of suspension will have to be treated as on duty in view of the fact that the inquiry finally culminated in the award of a minor punishment only. Accordingly we direct that the period of suspension shall be treated as on duty and not as on leave. The learned counsel for the applicant agitated before us that the applicant is being denied promotion on account of the punishment. In this regard we would like to observe that this minor punishment by itself should not come in the way of his promotion to which he is otherwise entitled. We accordingly direct that while considering the applicant's case for promotion, the minor penalty awarded to him shall not be taken as a bar to his further promotion.

5. We finally dispose of this application with the above directions, without making any order as to costs.


(A.B. GORTHI)
MEMBER(A)


(U.C. SRIVASTAVA)
VICE CHAIRMAN

(n.u.)