

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION No.:881/1999.

Dated this Thursday the 13th day of ~~January~~^{February}, 2003.

Pandit N. Donde

Applicant.

Shri D.V. Gangal

Advocate.
for applicant.

VERSUS

Union of India & Others.

Respondents.

Shri V.S. Masurkar

Advocate for
Respondents.

Coram : Hon'ble Shri A.S. Sanghvi, Member (J).
Hon'ble Shri G.C. Srivastava, Member (A).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches
of the Tribunal ?
- (iii) Library.

A.S. Sanghvi
(A.S. Sanghvi)
Member (J).

H.

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No.881/99.

Dated, Mumbai this Thursday the 13th Day of February, 03

Hon'ble Shri A.S. Sanghvi, Member (J)
Hon'ble Shri G.C. Srivastava, Member (A).

Pandit Narayan Donde,
working as
Head Telephone Clerk,
Under the Chief Controller
Central Railway, CST Mumbai,
Mumbai - 400 001.

.. Applicant.

(By Advocate Shri D.V. Gangal)

Versus

1. Union of India, through
the General Manager,
Head Quarters Office,
Central Railway,
Mumbai CST, Mumbai-400001.

2. The Additional Divisional
Railway Manager,
Central Railway,
Mumbai CST, Mumbai-400001.

3. The Sr.Divisional Operating
Manager, Central Railway,
Mumbai CST, Mumbai-400001.

4. The Divisional Operating
Manager,
Central Railway,
Mumbai CST, Mumbai-400001.

.. Respondents.

(By Advocate Shri V.S. Masurkar).

Order (Oral)

By A.S. Sanghvi, Member (J).

The applicant who was serving as Telephone Clerk was served with a charge-sheet dated 1.7.1997, levelling imputations of irregular attendance for a period of 548 days. The applicant in response to charge-sheet admitted the charges levelled against him and prayed for mercy. The Disciplinary Authority, therefore, vide order

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dated 16.9.1997 imposed a penalty of removal from service on that ground. After a unsuccessful appeal and revision the applicant has approached this Tribunal.

2. We have heard the learned counsel for the parties. Shri Gangal for the applicant has submitted that he is restraining his relief only on the question of quantum of punishment as the applicant had admitted the charges. According to Shri Gangal the punishment is clearly harsh, unreasonable and disproportionate to the charges levelled against him. Shri Masurkar on the other hand has defended the punishment imposed on the applicant saying that the applicant has remained absent from duty for 548 days and such a long absence cannot be condoned. According to him the punishment imposed is appropriate and reasonable, considering the absentism of the applicant.

3. We have heard the rival contentions of the parties and we are of the opinion that the punishment imposed on the applicant is not in consonence with the charges levelled against the applicant. The applicant was charged for irregular attendance and not unauthorised absence from duty. The say of the applicant in the O.A. is that he has sent several medical certificates, leave applications and his applications were also granted. He says that because of unavoidable circumstances, he could not attend the duties. He has elaborated those circumstances also in the O.A. Apart from the question of unavoidable circumstances, we find that punishment of

removal from service is quite harsh and unreasonable on a lowly paid employee. It is no doubt true that an employee is supposed to attend the duty punctually and irregularity in attendance cannot be tolerated. However, such irregularity cannot be viewed so seriously that the employee is sent home and being rendered jobless, after he has put in a long service. We, therefore, consider it fit to interfere in the punishment imposed on the applicant and quash and set aside the punishment of removal from service imposed by the Disciplinary Authority, confirmed by the Appellate Authority and Revisional Authority and remit back the matter to the Disciplinary Authority for reconsidering the question of imposing the punishment on the applicant except that of removal or dismissal from service. Shri Gangal says that the applicant assures that he would be attending the service regularly and there will be no cause for any complaint on the part of the applicant. Considering this assurance given by the applicant, we direct the Disciplinary Authority to consider this assurance while considering the question of imposition of penalty on the applicant and to impose any appropriate and reasonable penalty deemed fit except that of removal/ dismissal or compulsory retirement. With this direction, the O.A. stands disposed of. No order as to costs.

G.C. Srivastav
(G.C. Srivastav)
Member (A)

A.S. Sanghvi
(A.S. Sanghvi)
Member (J).