

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 91/2000
DATED THE 7TH DAY OF JULY, 2003.**

~~CORAM: HON'BLE SHRI JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN
HON'BLE SHRI SHANKAR PRASAD, MEMBER(A)~~

B.N.Yadav,
Retired Senior Depot Storekeeper,
Office of Chief Engineer(CONST),
General Manager, C.S.T.,
Mumbai - 400 001. Applicant

By Advocate Shri Ramesh Ramamurthy

V/s.

1. Union of India,
through the General Manager,
Central Railway,
C.S.T., Mumbai-400 001.
2. The Chief Engineer(Const.),
Central Railway,
C.S.T., Mumbai - 400 001.
3. The Deputy Chief Engineer(Const.I),
Central Railway,
C.S.T., Mumbai - 400 001. Respondents

By Advocate Shri V.S.Masurkar

(ORAL) (ORDER)

Per Shri Justice R.R.K.Trivedi, Vice Chairman

We have heard Shri Ramesh Ramamurthy, learned counsel for the applicant and Shri V.S.Masurkar, learned counsel for the respondents.

2. By this OA under Section 19 of the Administrative Tribunals Act, the applicant has challenged the order dated 1/1/1996 (Exhibit-A) by which on conclusion of disciplinary proceedings, applicant has been awarded punishment of reduction from Rs.1600-2660 to 1400-2300 till the date of his superannuation i.e. 31/7/1996. The order was challenged in appeal which was dismissed by order dated 29/6/1999 (Exhibit-B) which has also been challenged in this OA.

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3. The facts of the case are that applicant was serving as Senior Depot Storekeeper at the relevant time. He was served a memo of charge dated 16/11/1992 with allegation that he accepted the supply of TOR Steel 25mm from Sharda Ispat Ltd between 18/4/1991 to 20/4/1991 without taking weighment and where weighment was taken the correct weight was not accounted for by the applicant. It is also alleged that the applicant accepted supply of 25mm TOR bars which was not as per standard specification and he accepted substandard quality and thereby put railways into financial loss. The supply was short by 6.789 MT. The enquiry officer was appointed who found both the charges against the applicant proved. The disciplinary authority agreed with the report of the Enquiry Officer and awarded punishment on 11/5/1994 (Exhibit-D). The order was challenged in appeal. The appeal was allowed in part on 8/5/1995 and the matter was remitted to disciplinary authority for passing fresh order. In pursuance of the order of Appellate Authority, the disciplinary authority passed order on 1/1/1996 (Exhibit-A). At this stage the applicant filed OA-185/1996 which was dismissed on 1/5/1996 with the following directions:-

The O.A. is admitted and dismissed at the admission stage as being pre-mature. However, Respondent no.4 is directed to convey to the applicant the grounds which existing on the file for the appellate authority to arrive at the conclusion that the original order of the Disciplinary Authority dt. 11/5/1994 were not in conformity with the extent procedure under R.S. (D&A) Rules, 1968. These grounds should be conveyed to the applicant within two weeks from the date of receipt of this order. The applicant will be at liberty to file an appeal against the order of the Disciplinary Authority dt. 1/1/1996 within two weeks thereafter and the Appellate Authority is directed to entertain the appeal on merits and not dismiss the same as being

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time-barred. The applicant will be at liberty to approach if he feels aggrieved by the Appellate Authority's order that may be passed by the respondents to the appeal so filed by him. There will be no order as to costs."

4. It appears that the applicant thereafter filed CP No. 95/96 alleging that the direction of this Tribunal contained in the order dated 1/5/1996 has not been complied with. However, CP was dismissed by order dated 30/3/1998. Against the order dated 1/1/1996, appeal of the applicant was ~~stated to be~~ dismissed on 29/6/1999.

5. We have heard counsel for applicant at length. The charges 1,2 and 4 ~~against the applicant~~ have been found proved against the applicant. Applicant had admitted that he accepted 25mm TOR Steel bar from Sharda Ispat against SC No. dated 11/2/1991 on the strength of the firm's test report and the facsimile mark of Inspection was not clearly visible on any of the bars at ~~that~~ time. Thus from the admission of the applicant it was clear that applicant accepted the short supply of the 25mm TOR steel bar from the firm. It has also been found proved against the applicant that there was a shortage of 6.756 MT as in papers the quantity was shown much while the supply was of lesser quantity of steel. As both the charges were proved against the applicant and the learned counsel for the applicant has not been able to show any material on record which may ^{demonstrate} ~~justify~~ that the finding of the Appellate Authority as well as the Disciplinary Authority suffer from any illegality and they cannot be sustained. In the absence of any such material, in our opinion, the penalty imposed is justified and commensurate to the charges found proved against the applicant.

6. For the reasons stated above, we do not find any ground for interfering with the order of punishment. The OA has no merit and is therefore dismissed. No costs.

Shankar Prasad

(SHANKAR PRASAD)
MEMBER(A)

(R.R.K. TRIVEDI)
VICE CHAIRMAN

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