

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.715/2001.

Dated this Wednesday the 10th Day of October, 2001.

Coram : Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastry, Member (A).

Shri V.K. Bansal,
Section Engineer (Works),
Amalner, C/o.AEN (East),
Nandurbar, Mumbai Division,
Western Railway, residing at
88, E. Railway Colony,
Amalner, Dist. Jalgaon.

.. Applicant.

[Applicant by Shri C.J. Mohan Rao, Advocate]

Vs.

1. The Union of India,
Represented by the
General Manager,
Western Railway,
Churchgate, Mumbai-20.
2. The Divisional Railway Manager,
Western Railway,
Mumbai Division, Mumbai Central,
Mumbai.
3. The Sr.Divisional Engineer,
DRM Office, Mumbai Central,
Mumbai.
4. Shri K. Gopinathan,
Assistant Personnel Officer,
Churchgate,
Mumbai-400020.

.. Respondents.

ORDER (Oral)
[Per : Smt. Shanta Shastry, Member (A)]

Heard Mr.C.J. Mohan Rao, Learned Counsel for the
applicant.

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2. The applicant has prayed to set aside the impugned charge sheet dated 31.10.2000 on the ground that earlier charge sheet which was issued on 14.8.1996 was on identical ground and the same was dropped by the authorities on 23.1.1990 and therefore 2nd charge sheet cannot be issued for the same incident involving the same matter.

3. We have perused the charge sheet dated 14.8.1996 as well as impugned charge sheet dated 31.10.2000. In the earlier charge sheet, the charge was limited to the fact that the applicant was asked not to use the chemicals supplied for maintenance and inspite of this he used the same material without any approval and despite the fact the same material was in dispute and was rejected. He was therefore, charged with careless and negligent working in disregard of orders and acted in a manner unbecoming a Railway servant. In the second charge sheet the charge is different. In addition to the consuming of the material, he has also been charged of manipulating the issues of water proofing materials as well as tampering with the vouchers by adding/inserting items with different pen which amounts to forgery. Thus in our considered view the impugned charge is not the same as the previous ^{one}. We, therefore, do not see any reason to interfere with the charge memo dated 31.10.2000 issued and therefore, we are not inclined to issue any notice.

4. In the light of the above, the O.A. is dismissed at the admission stage itself without ordering any costs.

Shanta

(Smt. Shanta Shastry)
Member (A)

Birendra

(Birendra Dikshit)
Vice Chairman.