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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Registration O.A. No. 24 of 1989 (L)

Kishori Lal Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

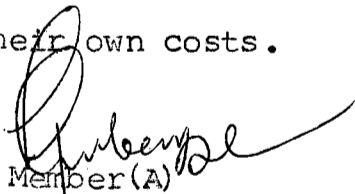
(By Hon'ble Mr. Justice U.C. Srivastava, VC)

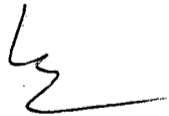
This application is directed against the minor punishment awarded to the applicant, which punishment was reduced by the appellate authority. The disciplinary authority has withheld his increment for two years while the appellate authority withheld it only for one year. At the relevant point of time, the applicant was working as Goods Superintendent Grade-II. Ultimately, he was promoted on the post of Goods Superintendent Grade-I vide order dated 1.1.1984. The applicant was served with the memo of explanation dated 8.6.1987 on a cyclostyle form along with the statements of charges. The charge against the applicant was lack of supervision and that resulted in irregular loading. The applicant submitted his reply taking into consideration his own statement that the loading was done by one Jagdish Prasad. The disciplinary authority was of the view that it was not a genuine reply and the applicant can not be exonerated so far as his responsibility of supervision in respect of irregular loading by the said Jagdish Prasad is concerned. The applicant being aggrieved from the order filed an appeal and the appellate authority has accepted the explanation given by the applicant which was not accepted by the disciplinary authority.

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2. On behalf of the applicant it was contended that so far as the loading and unloading is concerned, it was not the responsibility of the applicant but ~~but~~ there is no denial of the fact that the applicant has to perform his supervisory duty. There is no other charge against the applicant and the only charge against him is the slackness in supervision which resulted in giving priority in the matter of loading to one who was not entitled to and withholding of loading of another person. It was within the domain of the disciplinary authority or appellate authority to award the punishment. The learned counsel contended that even if, there was some slackness in supervision and the applicant who was not responsible would only, at the most, could have been warned. That may be so, it could have been done, but so far as the quantum of punishment is concerned, the Tribunal can not interfere in the same. However, it will be open for the applicant to approach the departmental authority and in case, they desire to dilute it further, they can do so. The application is disposed of with the above observations. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 19.5.1992

(n.u.)