

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 18 JUL 1988

APPLICATION NO 888

/87 (F)

W.P.No.

APPLICANT

VS

RESPONDENTS

Shri R. Lingappa

To

1. Shri R. Lingappa  
No. 8, Cross No. 5  
Near Gade Durgamma Temple  
Bankapur Chowk  
Hubli

2. Shri S. Shivaram  
Advocate  
KESVY & CO.,  
No. 139, 5th Cross  
Gandhinagar  
Bangalore - 560 009

3. The General Manager  
South Central Railway  
Rail Nilayam  
Secunderabad  
Andhra Pradesh

4. The Divisional Railway Manager  
South Central Railway  
Hubli

5. The Divisional Electrical Engineer  
South Central Railway  
Hubli Division  
Hubli

6. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross  
Cubbonpet  
Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~1854/88~~  
ORDER passed by this Tribunal in the above said application

on 13-7-88.

Encl: as above.

*Deputy Registrar*  
DEPUTY REGISTRAR  
(JUDICIAL)

*8/2*

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 13TH DAY OF JULY, 1988

PRESENT:

Hon'ble Mr. Justice K.S.Puttaswamy, .. Vice-Chairman.  
And:  
Hon'ble Mr.L.H.A.Rego, .. Member(A).

APPLICATION NO. 888 OF 1988

R.Lingappa,  
S/o Nallappa,  
Aged 36 years,  
Oiler, Hubli Division,  
S.C.Railway, Hubli,  
residing at No.8, Cross No.5,  
near Gade Durgamma Temple  
Bankapur, Chowk, Hubli. .... Applicant.

(By Sri S.Shivaram, Advocate)

v.

1. Union of India  
represented by the General Manager,  
South Central Railway, Rail Nilayam,  
Secunderabad, Andhra Pradesh.
2. The Divisional Railway Manager,  
South Central Railway,  
Hubli.
3. Divisional Electrical Engineer,  
South Central Railway,  
Hubli Division. .... Respondents.

(By Sri N.Sreerangaiah, Advocate)

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This application having come up for hearing this day, Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged Order No.P/90/D&A UBL/RL/610 dated 31-12-1986 (Annexure-F) of the General Manager, South Central Railway ('SCR') - Revising Authority ('RA') - and Order No.HD/227/1V 449 dated 10-4-1982 (Annexure-E) of the Divisional Electrical Engineer, Shops, Hubli and Disciplinary Authority ('DA').

2. At the material point, the applicant was working as a 'Oiler' in the SCR. From March,1978 and onwards, he was very irregular in his attendance. On that view, the DA commenced disciplinary proceedings against the applicant under the Railway Servants (Discipline and Appeal) Rules,1968 ('the Rules') in his Memorandum No.HIP 227/W/449 dated 1-12-1981 (Annexure-B) on the charge appended to the same, which reads thus:

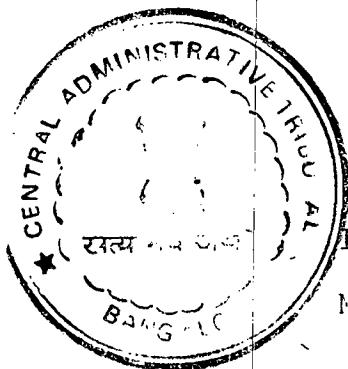
That the said Shri R.Lingappa while functioning as a Oiler at PH/UBL has remained absent from duty on the following periods unauthorisedly without proper sanction of leave from proper authority:

(1) 6-3-1978, (2) 27-3-1978, (3) 17-5-1978 to 20-5-1978  
(4) 1-6-1978, (5) 5-6-1978 to 12-6-1978, (6) 14-7-1978,  
(7) 15-7-1978, (8) 5-8-1978, (9) 11-8-1978, (10) 29-8-1978,  
(11) 3-9-1978 to 17-9-1978, (12) 27-9-1978, (13) 1-11-1978  
to 12-11-1978, (14) 20-11-1978, (15) 26-11-1978 to 28.9.78  
(16) 5-1-1979 to 16-1-1979, (17) 7-7-1979, (18) 2-8-1979,  
(19) 16-8-1979 to 17-8-1979, (20) 23-8-1979, (21) 5-9-1979  
to 10-9-1979, (22) 20-9-1979 to 25-9-1979, (23) 4-10-1979  
to 12-10-1979, (24) 22-10-1979 to 2-11-1979, (25) 17-2-80  
to 24-2-1980, (26) 5-3-1980 to 1-4-1980, (27) 17-4-1980,  
(28) 2-5-1980 to 13-5-1980, (29) 7-10-1980, (30) 16-4-1981  
to 17-4-1981, (31) 6-5-1981 to 8-6-1981, (32) 16-6-1981  
to 26-6-1981, (33) 6-7-1981 to 29-7-1981, (34) 5-10-1981  
to 14-10-1981 and 28-10-1981 to till date.

Thus the said Shri R.Lingappa failed to exhibit devotion to duty and contravened Rules 3(i)(ii) of the Railway Services (Conduct)Rules,1966.

In answer to this the applicant filed his written statement on 17th March,1982 admitting the charge and pleading for mercy.

3. On an examination of the charge memo, the written statement and the records, the DA on 10-4-1982 holding that the applicant was guilty of the charge leveled against him had inflicted on him the penalty of removal from service with effect from 25-4-1982. Without challenging the said order in appeal permissible under Rule 22 of the Rules, the applicant challenged the same in a revision before the General Manager under Rule 25 of the Rules as late as on 8-6-1986 who on or about 9-10-1986 had rejected the same, which is communicated to him on 31-12-1986 through the Chief Personnel Officer, Secunderabad. Hence, this application.

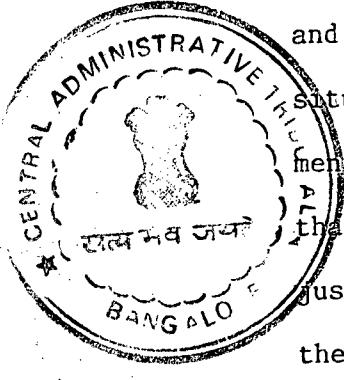


4. In justification of the impugned orders, the respondents have filed their reply and have produced their records.

5. Sri S.Shivaram, learned counsel for the applicant, contends that with due regard to all the facts like that the applicant was a member of a scheduled caste and was in very hard circumstances, this is a fit case in which this Tribunal should modify the punishment of removal from service to any one of the minor penalties and afford him an opportunity to turn a new leaf in service.

6. Sri M.Sreerangaiah, learned counsel for the respondents, contends that the facts and circumstances, which are so telling and are not in dispute, does not justify any interference on the quantum of punishment imposed by the authorities.

7. An examination of the charge memo, which is not controverted by the applicant, shows that he was very irregular in attending to his duties. The absences of the applicant, whatever be the reasons for the same, are simply shocking and are not conducive to discipline and efficient public service. On an examination of all the facts and circumstances, the DA and RA have come to the conclusion that the punishment of removal from service was called for. We are of the view that every one of the facts and circumstances noticed by us does not justify us to interfere with the quantum of punishment, which is the only question that calls for consideration.



8. On the foregoing discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN

13/7/1986

Sd/-

MEMBER(A)  
13-7-86

DEPUTY REGISTRAR (ADR)  
dms/hp

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE