

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 5 JAN 1989

APPLICATION NO. 463 /88(F)

W.P. NO. _____

Applicant(s)

Shri A.F. Amalaraj
To

Respondent(s)

V/s The General Manager, Wheel & Axle Plant,
Bangalore & another

1. Shri A.F. Amalaraj
Depot Store Keeper Grade II
Wheel & Axle Plant
Yelahanka
Bangalore - 560 064
2. Shri Ranganatha S. Jois
Advocate
36, 'Vagdevi', Shankara Park Road
Shankarapuram
Bangalore - 560 004
3. The General Manager
Wheel & Axle Plant
Yelahanka
Bangalore - 560 064
4. The Deputy Controller of Stores
Wheel & Axle Plant
Yelahanka
Bangalore - 560 064
5. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH.

Please find enclosed herewith the copy of ORDER/~~STAY~~/INTERIM ORDER
passed by this Tribunal in the above said application(x) on 2-1-89.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 2nd JANUARY, 1989

Present : Hon'ble Justice Sri K.S.Puttaswamy

Vice Chairman

Hon'ble Sri P.Srinivasan

Member (A)

APPLICATION No.463/88

A.F.Amalaraj
working as Depot Store Keepers,
Grade II, Wheel & Axle Plant,
Yelahanka,
Bangalore - 64.

...

Applicant

(Sri Ranganath Jois

... Advocate)

vs.

1. The General Manager,
Wheel & Axle Plant,
Yelahanka,
Bangalore - 64.

2. The Deputy Controller of Stores,
Wheel & Axle Plant,
Yelahanka,
Bangalore - 64.

...

Respondents

(Sri M.Srirangaiah

... Advocate)

This application having come up before the Tribunal
today; Hon'ble Member (A) made the following :

ORDER

In this application, the applicant who is working as
a Depot Store Keeper Grade II in the Wheel and Axle Plant(Plant)
Yelahanka is aggrieved with the order dated 4.12.1987 passed
by the Disciplinary Authority holding him guilty of the charges
levelled against him and the order of the Appellate Authority
dated 8.2.1988 upholding ~~the finding~~ ^B the finding of guilt but
reducing the penalty from one of reduction in rank imposed by
the Disciplinary Authority to one of withholding of increment
for three years with cumulative effect.

P. S. - 14

....2/-

2. Shri Ranganath Jois, learned counsel for the applicant and Shri M. Srirangaiah, learned counsel for the Respondents have been heard.

3. The entire records of the disciplinary action initiated against the applicant were placed before us by Shri Sbirangaiah on behalf of the respondents. In his report, the Inquiry Officer (IO), while holding the applicant guilty of negligence, has observed that the ^Mnormal practice of staff to place wagons containing any iron material other than ^Mblooms in the PC Bay as scrap was not correct. He has also remarked that the applicant had simply placed the said wagon in the wrong place which resulted in the material being scrapped. We may here point out that the two charges levelled against the applicant were in relation to an incident which happened on 11.11.1986 when the applicant was on morning shift as Store Keeper. One wagon containing 39 wheels were received in the Plant during that period. No railway receipt or any document explaining why these wheels were sent to the Plant were received along with the wagon. The wagon was unloaded in what is known as the scrap Pre Conditioning Bay (PC Bay for short) and as a result the wheels were cut and melted and treated as scrap. These wheels had actually been despatched by the Perambur Workshop to the Plant for repair and not for being scrapped. The charge against the applicant was that he had acted negligently in unloading the wagon in the PC Bay. He should instead have unloaded it in another place and should have enquired as to why the wheels had been despatched to the plant. Shri Jois explained to us that it was the practice at the time to unload wheels or any material arriving in

P. J. 

open wagons in the PC Bay when there were no specific instructions to the contrary. No railway receipt or other paper was received with the wagon in question and therefore the usual practice was followed of unloading it in the PC Bay. The technical staff who actually carry out the work of unloading may have been able to detect ^{if whether} ~~that~~ the wheels had come for repair or merely as scrap but not the applicant who was not a technical hand. No doubt this contention is supported by the observation of IO in his report that the practice was to consign all materials ^{if except} ~~except~~ blooms to the PC Bay. On the other hand Shri Srirangaiah submitted that wheels which had actually been sent to the plant for repair were ^{if new} ~~new~~ wheels and the applicant should have noticed this fact and should not have automatically thrown them in the PC Bay, where they were bound to be broken and melted. By this act of carelessness the applicant had caused loss to the plant.

4. After careful consideration we feel that there was some carelessness on the part of the applicant in unloading new wheels in the PC Bay. At the same time we are also impressed by the argument of Shri Jois that for a non-technical man like the applicant it would have been difficult to distinguish new wheels covered by dust from wheels which were sent for being scrapped. In this connection Shri Srirangaiah's contention becomes relevant that ^{if when} ~~then~~ no paper or documentation was received with the wagon the applicant should have inquired of his higher authorities as to why the wheels had been sent to the Plant. Taking all these facts into account we are of the view that while the applicant was guilty of carelessness the punishment imposed on him was excessive and disproportionate to the gravity of the charge.

P. S. K.

5. In view of this we uphold the finding of the guilt against the applicant, but we reduce the penalty imposed on him to one of withholding of increment for one year from the date of the order of the disciplinary authority without cumulative effect.

6. The application is disposed of on the above terms. But in the circumstances of the case the parties will bear their own costs.

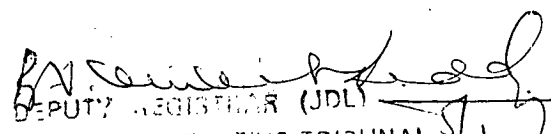
Sd/-

VICE CHAIRMAN

Sd/-

MEMBER (A)

TRUE COPY


DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE