

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

⑧

BOMBAY BENCH

O.A. No. 40/1990

~~XXXXXXXXXX~~

198

DATE OF DECISION 9.7.1991

Madhukar Ramkrishna PetitionerShri D.P.Thakur Advocate for the Petitioner(s)

Versus

The Union of India and ors. RespondentNone Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C.SRIVASTAVA, Vice-Chairman

The Hon'ble Mr. P.S.CHAUDHURI, MEMBER (A)



1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether in needs to be circulated to other Benches of the Tribunal ?

Yes

} Yes



(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CAMP AT NAGPUR

DA NO.40/90

MR. MADHUKAR RAMKRISHNA

.... Applicant

V

The Union of India,
through G.M., Central Railway,
Bombay VT.

2. Divisional Railway Manager,
Central Railway, Nagpur.

.... Respondents

CORAM : HON'BLE JUSTICE SHRI U.C.SRIVASTAVA, Vice-Chairman.
HON'BLE SHRI P.S.CHAUDHURI, MEMBER (A)

Appearance

Mr.D.P.Thakur, Adv.
for the applicant

ORAL JUDGMENT

(PER: U.C.SRIVASTAVA, Vice-Chairman)

DATED 9.7.1991

The applicant was appointed in 1964 as Pointman and was subsequently promoted as Cabinman in 1985. Charges were framed against him for failure to take 'off' the signal thus causing detention to the train and also for consuming liquor while on duty. It appears that thereafter an Inquiry Officer was appointed and the applicant attended the inquiry, the proceedings of which indicate that the applicant *has admitted his guilt though the applicant says* that his signature was taken under duress. The applicant filed thereafter a mercy appeal and in the mercy appeal he has admitted that he has taken some liquor.

2. The learned counsel for the applicant pleaded that some assurance was given to the applicant if he admits his guilt and hence the applicant has admitted his guilt. Obviously, the plea taken by the counsel cannot be accepted in the circumstances of the case. It may be that some assurance was given to the applicant that he will be saved from the charges but that assurance does not nullify the act. Accordingly there is no ground and merit in this case.

3. We accordingly dispose of the application with a direction that it is for the applicant to approach the Railway Administration and the Railway Administration may consider his representation. This Tribunal cannot make any other observations in respect of penalty imposed. In the circumstances, there would be no order as to costs.



(P.S. CHAUDHURI)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE-CHAIRMAN