

1

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1273/92
Transfer Application No.

Date of Decision : 9.8.1995

Shri R.M.Singh

Petitioner

None

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri V.S.Masurkar

Advocate for the
respondents

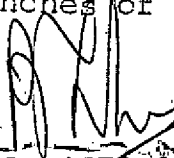
C O R A M :

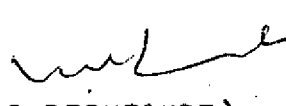
The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ? —

(2) Whether it needs to be circulated to
other Benches of the Tribunal? ni


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 1273/92

Shri Rajaram Mahavir Singh ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

None for the Applicant

Shri V.S.Masurkar
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 9.8.1995


(PER: M.S.Deshpande, Vice Chairman)

By this application the applicant challenges the order holding him guilty and imposing the punishment of removal from service.

2. The applicant was appointed as a Casual Labourer with respondents on 14.9.1976 and became a regular employee from 1.4.1982. He was promoted on 1.2.1985 and 13.7.1985 as semi-skilled labourer and he worked thereafter as a Tradesman. On 23.8.1986 the applicant wanted to learn how to operate a Crane and though he was told by the Crane Driver, Gore that learning it was difficult, he occupied the driver's cabin and operated the Crane. The ~~brakes~~ failed and the crane went out of control and fell into the dry dock causing some damage to a ship standing nearby and injured one person. A charge-sheet was served on the applicant and ~~that~~ an enquiry was held. The applicant admitted the guilt at the enquiry and tendered an apology. His contention is that he wanted to better his prospects by learning to operate the crane and there was no other way by which he could operate the crane. The enquiry officer, the disciplinary authority and the appellate authority found the applicant guilty and passed the impugned order.

3. There was no appearance for the applicant and we heard Shri Masurkar for the respondents. He produced the record of the enquiry proceedings before us. We see no merit in the grounds raised in the application. The first ground is delay in initiating the proceedings in May, 1988 though the accident occurred in May, 1986. However, this cannot ~~be~~ prejudice ~~to~~ the applicant because there was no basis for inference that his negligence could be condoned. His next submission is that he was made to sign a written apology under a promise of condoning his negligence. ^{and he} He came to be convicted without proceeding with the enquiry. We find no vice in the entire proceedings. The applicant's contentions were examined by the disciplinary authority as well as by the appellate authority in detailed and we do not think that the applicant is entitled to succeed upon the contentions which he has raised.

4. In the result, the OA. is dismissed.


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.