

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

(2)

O.A. No. 474/92

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~~XXXXXXXX~~

DATE OF DECISION 19-8-92

P M Gharade

Petitioner

Mr. G D Samant

Advocate for the Petitioner(s)

Versus

Union of India & another

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

The Hon'ble Mr. M Y Priolkar, 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 it needs to be circulated to other Benches of the Tribunal?

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MGP/RRND-12 CAT/86-3-12-86-15,000

V.C..

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESCOT ROAD; BOMBAY-1

OA No. 474/92

P M Gharade
Ex-Head Booking Clerk
Barrack No.1691
Section 25; Room no.3
Mahavir Hospital;
At & Post Ulhasnagar
Camp no.4; 421001

..Applicant

V/s.

1. Union of India
through General Manager
Central Railway
Bombay VT 400001

2. Divisional Railway Manager
Central Railway
Bombay VT

..Respondents

Coram: Hon.Shri Justice S K Dhaon, V.C.
Hon.Shri M Y Priolkar, Member(A)

APPEARANCE:

Mr. G D Samant
Counsel
for the applicant.

ORAL JUDGMENT:
(PER: S K Dhaon, Vice Chairman)

DATED: 19.8.92

The disciplinary authority passed an order of punishment against the applicant. It removed him from service. The appellate authority maintained the order of the disciplinary authority. The revisional authority modified the order of removal from service. Instead, it directed that the applicant may be retired compulsorily from service. The three orders are being challenged by means of this application.

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2. Three charges were levelled against the applicant. They were (i) he demanded and accepted Rs. 39 as illegal gratification for booking a motorcycle while functioning as a luggage clerk in the luggage office at Bombay V.T. on 8.12.1988; (ii) he had deliberately shown Rs.10 short in his railway cash to suppress the illegal earnings; and (iii) he declared cash of Rs.25 as against Rs.326 found with him.

3. The Inquiry Officer recorded his finding that the decoy witnesses failed to turn up. He, therefore, recorded the further finding that no evidence regarding the offer and receipt of the illegal gratification was proved. However, he relied upon the statement of the applicant that the decoy had left a sum of Rs.260/- with him and went away quietly. Admittedly the person who had booked the motorcycle was required to deposit a sum of Rs.221 only. Admittedly a sum of Rs.260 had been received by the applicant. The finding is that the applicant took no steps whatsoever to return the extra sum of Rs.39/- Therefore, the Inquiry Officer drew the inference

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..3/-

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that Rs. 39/- had been accepted by the applicant as an illegal gratification for booking the motorcycle. With regard to the second charge the Inquiry Officer recorded a finding that a shortage of Rs.10/- was detected. With regard to third charge admittedly on the fateful day the applicant had declared Rs.25 only in the private cash register, whereas, in fact, a sum of Rs.326 had been recovered from him. The explanation offered by the applicant that the extra amount had been kept by him to deposit certain medical charges for and on behalf of his relation did not find favour with the inquiry officer.

4. The appellate authority has recorded a categorical finding that he fully agreed with the finding recorded by the Inquiry Officer. The revisional authority has, as already stated, given some relief to the applicant by converting the order of removal from service into an order of compulsory retirement. The inference drawn by the inquiry officer from the totality of the facts and circumstances of the case and on the basis of the material before it was an inference of fact. No perversity has been shown in the conclusion arrived at by the inquiry officer. No procedural irregularity in the inquiry proceed-

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ings has been brought to our knowledge. We, therefore, find no reason to interfere with the finding recorded by the inquiry officer as well as the punishing authority.

This application is accordingly dismissed. No costs.


(M Y Priolkar)
Member(A)


(S K Dhaon)
Vice Chairman