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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 814/93
TR.A.NO.

199

DATE OF DECISION 7.9.1993

Shri A.S.Chauhan

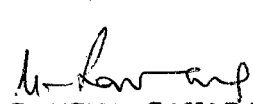
Applicant(s)

Versus

Divl.Rly.Manager, C.Rly.Ngp.& Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *no*


(MS.USHA SAVARA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA.NO. 814/93

Shri Amar Singh Chauhan ... Applicant

V/S.

Divisional Railway Manager,
Central Railway, Nagpur & Anr. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri M.W.Harsulkar
Advocate
for the Applicant

Shri P.S.Lambat
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 7.9.1993

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


Heard both the parties. The applicant was found guilty of the charges of having some extra cash with him when he was working ^{as} Parcel Clerk. The disciplinary authority found him guilty of having extra cash. The Disciplinary Authority imposed the punishment of reversion to the initial grade of Booking/Parcel Clerk in the scale of Rs.975-1540 for a period of one year with cumulative effect. The disciplinary authority, though ^{was} convinced that the punishment was severe. The appellate authority while disposing of the appeal also took the same approach. The contention of the applicant is that he was not given a personal hearing but according to the respondents personal hearing had been given. Shri Harsulkar for the applicant relies on RAM PAL VS. U.O.I.(1993) 23 ATC 720, for the proposition that the ^{was} liberty should


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be given to the employee if bad record^{is} intended to be taken into consideration and urges that no such ~~liberty~~^{notice} had been given to the applicant. We do not wish to enter into the ~~discussion made by the rival~~^{details of the contention of the} parties because the contention of the applicant is that he has preferred a second appeal, which was forwarded through proper channel to the higher authorities. Shri Lambat states that a copy of the memorandum of appeal was not received by the authority which could have entertained this second appeal. But ~~stated that~~ the second appellate authority will consider the applicant's appeal if we so direct. We find that in the present case, since it is a question of quantum of punishment to be imposed ~~and other direction~~, it would be appropriate to ask the appellate authority to consider the appeal.

2. A copy of the memorandum of appeal be handed over to the counsel for respondents today and the appellate authority shall give a hearing to the applicant and dispose of the appeal within two months from today.

3. With this direction, the present OA. is disposed of. Liberty to the applicant to approach the Tribunal after the decision of the appellate authority should he feel aggrieved by the decision of the appellate authority.


(MS. USHA SAVARA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.