

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.295/1996 75

Dated this Thursday, the 8th Day of February, 2001.

Shri Dharamraj Gaur Applicant

(Applicant by Shri N.C.Saini, Advocate)

Versus

Union of India & 2 Ors. Respondents

(Respondents by Shri V.D.Vadhavkar for Shri S.C.Dhawan, Advocate)

CORAM

Hon'ble Shri S.K.I.Naqvi, Member (J)

Hon'ble Smt. Shanta Shastry, Member (A)

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

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

(3) Library.

S.K.I.Naqvi
(S.K.I.Naqvi)
Member (J)

sj*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

(6)

ORIGINAL APPLICATION No.295/95

DATE OF DECISION: 08.02.2001

CORAM: HON'BLE SHRI S.K.I.NAQVI, MEMBER (J)
HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

Shri Dharamraj Gaur s/o
Shri Ramdin Gaur
aged about 49 years,
r/at: Flat No.101,
Glamour Tower,
Section 27,
Ulhasnagar -421004.

Working as Inquiry cum Reservation Clerk,
Central Railway,
Bombay V.T. Applicant

(Applicant by Shri N.C.Saini, Advocate)

vs.

The Union of India, through

1. The General Manager
Central Railway, Bombay V.T.
2. The Divisional Rly. Manager,
Central Railway, Bombay V.T. Respondents.

(Respondents by Shri V.D.Vadhavkar for Shri S.C. Dhawan,
Advocate)

O R D E R (ORAL)

[Per: S.K.I. Naqvi, Member (A)]

Shri N.C. Saini, Counsel for the Applicant and Shri Vadhavkar for Shri S.C. Dhawan, Counsel for the Respondents.

2. Heard the arguments.
3. The Applicant has come up seeking relief before the Tribunal impugning the order through which the penalty has been imposed upon him by way of withholding increments of two years. As per applicant's case, it was on 10.4.1992, that he was working as Reservation Clerk, at Window No.36, from 8 a.m. to 4 p.m. During the tenure of this duty, a wrong ticket was issued for which he was dealt departmentally and ultimately punished with the penalty of withholding increment for a period of two years

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against which, he preferred an appeal and finally mercy petition but at no stage he succeeded and therefore, he has come up before the Tribunal for the redressal.

4. The impugned order has been mainly on the ground that the same is illegal without any reason or any ground hence unconstitutional and therefore, not maintainable at law.

5. The Respondents have contested the case by filing counter reply with the mention that the Applicant is seeking the intervention of the Tribunal against the order of punishment, by the Disciplinary Authority, on the grounds as if it is before departmental appellate authority. There is also reference of applicant's application to DRM (Reservation) on 5.1.1993 through which he clearly mentions that it was a purely clerical error and *and he shall remain Content in future*. not intentional one. The Respondents have supported the impugned orders.

6. Heard the learned Counsels and perused the records.

7. The Counsel for applicant emphasised that the mistake occurred was due to a fault in the computer for which the Applicant was not responsible; and therefore, he should not have been subjected to any punishment. There is no mention from the side of applicant that there is any legal flaw or non-compliance of Rule in the departmental proceedings which resulted into impugned punishment. The jurisdiction of authority, who imposed the punishment, has also not been challenged.

8. The learned Counsel for the Respondents emphasised that the allegation of the Applicant that the computer was not functioning properly and it was computer's mistake is not correct because on verification and check, the computer was found functioning properly.

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7. Keeping in view the facts and circumstances of the matter and the submissions as have come up from either side, we find that no legal ground has been raised from the side of applicant and we refrain to enter into facts by examining the same and giving finding thereon to interfere with the finding as arrived at during the departmental proceedings and thereby the reliefs sought for cannot be granted.

8. The O.A. stands dismissed. No costs.

L. J.

(Smt. Shanta Shastray)

Member (A)

S. K. I. Naqvi

(S.K.I. Naqvi)

Member (J)

sj*