

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

JAIPUR.

O.A. No. 1176/92

Date of decision: 5.12.94

HARI NARAIN MEENA

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. S.C. Agarwal : Counsel for the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN

HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. The respondents produced the register. Applicant's contention is that the entries at serial nos. 21,22 and 23 are not in his hand and entries at serial no. 14 and 15 relating to Gopal Lal Mangal and Rajendra Mangal are in his hand. The applicant's contention is that/the statement of imputations framed in support of articles of charges, imputation no. 4 reads as under:-

"He did not record the names of the above passengers in the reservation register for whom reservation was made on the authority of the above EFT though EFT was cancelled on 30.4.90."

Thus, from the imputations framed in support of articles of charges, there is a clear case of the respondents that the relevant entries were not made in the register by the applicant. The respondents have come with a case that he had not deleted the entries. The question of deleting the entries comes into place only when he has made the entries. Apart from this, EFT was prepared simultaneously which was cancelled and thereafter, simultaneously, NIT Certificate was issued and forwarded to the authorities. In such circumstances, it is a case of no evidence and the punishment imposed on the applicant vide order dated 28.1.92 and the Appellate

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Order dated 24.11.92 cannot be sustained.

3. In the result, the application is allowed, the order dated 28.1.92 and order dated 24.11.92 are hereby quashed. The applicant may be reinstated immediately and he will be entitled for all consequential benefits. There shall be no order as to costs.

(O.P. SHARMA)
Administrative Member

D.L. Mehta
(D.L. MEHTA)
Vice-Chairman