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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A. 1036/92.

Dt. of Decision :28-11-95.

V.V.Gopal Rao

.. Applicant.

Vs

1. The Divl. Commercial Supdt.,  
SC Rly, Vijayawada-520 001.
2. The Sr.Divl.Commercial Supdt.,  
SC Rly, Vijayawada-520 001.
3. The Addl.Divl.Rly., Manager/EC,  
SC Rly, Vijayawada-520 001.

.. Respondents.

Counsel for the Applicant

: Mr. G.V.Subba Rao

Counsel for the Respondents

: Mr. D.Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHY : MEMBER ( ADMN.)

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OA.1036/92

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, VC )

Heard Sri G.V. Subba Rao, learned counsel for the applicant and Sri D. Gopal Rao, learned counsel for the respondents.

2. While the applicant was working at the Reservation Counter at Guntur on 17-4-1986, Vigilance Inspector inspected the cash with him and found excess of Rs.144/- Then Exhibit P-1 was recorded and the applicant was directed to remit the amount of Rs.144/- for which Exhibit P.2 was given. Exhibit P.3 is the Statement of the applicant which was recorded at the time of inspection by Vigilance Inspector.

3. Charge memo dated 1-8-1986 with the following charge was issued :

"That the said Sri V.V. Gopal Rao, ECRC/Gr.II/GNT ~~has committed~~ serious misconduct and failed to maintain absolute integrity and devotion to duty in that while working as Reservation Clerk at Counter No.4 in GNT Reservation Office on 17-4-1986 he was in possession of Excess and unaccounted cash to the tune of Rs.144-00 for the possession of which he had no plausible explanation as detailed in the statement of imputations. He has thus violated Rule 3(1) of the Railway Service (Conduct) Rules, 1986".

4. The Vigilance Inspector who was cited as Witness was not examined in the inquiry. As the applicant admitted the contents in Exhibits P-1 and P-2 which were marked as evidence in the inquiry, the Inquiry Officer held that "the charge has been proved partly in that Sri V.V. Gopal Rao, has failed to maintain devotion to duty while the other part to fail to maintain absolute integrity is not proved."

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To

1. The Divisional Commercial Superintendent,  
S.C.Rly Vijayawada-1.
2. The Sr.Divisional Commercial Superintendent,  
S.C.Rly, Vijayawada-1.
3. The Addl.Divisional Railway Manager/EC  
S.C.Rly, Vijayawada-1.
4. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
5. One copy to Mr.D.Gopal Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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P. V. Subba Rao  
15/12/55

5. It is thus evident that what was proved is in regard to the failure on the part of the applicant to make entry with reference to Rs.144/- in the private cash book.

Further it discloses that the inquiry officer accepted the version of the applicant that his son had given Rs.144/- for purchase of provisions and he kept it in a cover and as he was busy he could not make an entry of Rs.144/- in the Private cash book.

6. The Disciplinary authority agreed with the said finding of the Inquiry Officer.

7. We feel that the penalty of reducing the pay of applicant to the minimum in the Time Scale of Rs.1400-2300 for a period of two years, when he was actually drawing Rs.1950/- in that time scale is excessive when even the disciplinary authority accepted the version of the applicant that the said amount of Rs.144/- was given to the applicant by his son for purchase of provisions and as he was busy he could not make an entry of the same in the Private cash book. So, it is necessary to remit the matter to the Revising authority for consideration in regard to punishment.

8. In the result, the order dated 6-2-1990 of R-3, the Revising authority vide No.Add.DRM/BZA No.B.P.86/I/88/14 is set aside and the matter is remitted to R-3 the Revising authority for consideration in regard to punishment only by keeping in view the observations in this order.

9. The OA is ordered accordingly. No costs. //

(A.B. Gorthi)  
Member (Admn)

(V. Neeladri Rao)  
Vice Chairman

Dated : November 28, 95  
Dictated in Open Court

sk

deputy Registrar (DRC)

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. *P. B. Gorthi*  
~~P. RANGARAJAN~~ : M(A)

DATED: *28-11*-1995

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

*1036/92*

T.A.No.

(W.P.No. )

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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*No. Spare Copy*

