

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1551/94

DATE OF ORDER : 22-09-1997,

Between :-

And

... Applicant

1. Chief Electrical Engineer,
SC Railway, Rail Nilayam,
Sec'bad.
2. The Addl.Divisional Railway Manager,
SC Rlys, Sanchalan Bhavan,
Sec'bad BG Division,
Sec'bad.
3. The Sr.Divisional Electrical
Engineer (TRD),
SC Rlys, Sanchalan Bhavan,
Sec'bad.



... Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri N.R.Devarej, SC for Rlys

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameswar, Member (J)).

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6. The applicant challenged the procedure adopted by the Enquiry Officer in the enquiry. It is to be noted that no strict^t rules of evidence are applicable to the Disciplinary Proceedings. The applicant challenged the findings recorded by the Enquiry Officer. Both the Disciplinary and Appellate authorities as well as the revisional authorities^y have considered these aspects and formed opinion that applicant was responsible for the shortage of the materials noticed during the inspection. The applicant has not explained as to how shortage had taken place while he was in-charge of the ^{stores} materials.

7. The powers of the Tribunal are very much limited. It cannot re-appreciate the evidence and come to a different conclusion. It cannot interfere with the punishment. The revisional authorities^y has taken a lenient view and has modified the punishment. In that view of the matter, we find no reasons to interfere with the impugned orders.

8. Hence the O.A. is dismissed. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

माननीय न्यायाधीश
COURT OFFICER
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

किस नम्बर	CASE NUMBER	0A/501/94
नियम का तारीख	Date of Judgement	22/8/94
प्रति तय्यार किया गया दिन	Copy Made Ready on	3/10/94
समुभाग अधिकारी (न्य विक्) Section Officer (J)		

A detailed enquiry was conducted. The Enquiry Officer recorded a finding that charges levelled against the applicant were proved. A copy of the Enquiry ^{officer's} Report was furnished to the applicant. On 3-7-93 the applicant submitted reply against the report of the Enquiry Officer. The Disciplinary Authority after considering findings of the Enquiry Officer and reply of the applicant imposed the penalty of reduction of pay of the applicant from Rs.2240/- to Rs.2060/- in scale Rs.2000-3200 (RSRP) for a period of 3 years.

3. The applicant submitted an appeal to the Respondent No.2 on 7-9-93. The appellate authority after considering the ^{records} ~~allegations~~ of the enquiry confirming ^{ed} ~~ing~~ penalty and rejecting ^{ed} ~~ing~~ the appeal. Thereafter the applicant submitted the revision petition to the Respondent No.1. Respondent No.1 considering the Enquiry Report took a lenient view and modified the punishment. In that, the period of reduction of pay was reduced to 18 months from 36 months.

4. The applicant has filed this O.A. challenging the orders passed by Respondent No.3 to 1 in the Disciplinary Proceedings.

5. A counter has been filed stating that during the enquiry principles of natural justice was followed. The Divisional Electrical Engineer recorded the shortage of materials after critical examination and in the presence of the applicant. Charge memo was issued in accordance with the rules. That the applicant exercised his right of Defence during the disciplinary Proceedings and there are no grounds to interfere with the impugned orders.

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2/6/99

Mr. G.V. Subba Rao for the
applicant and Mr. N.R. Derraj for the
respondent.

Though the respondent counsel
received a copy of the
application on 19/11/97 from his
argument it appears that has been
mistaken. Another copy may be given
by the applicant counsel. The respondent
counsel is at liberty to file a reply
to the application. The case should be listed for orders

on 18/6/99.

HGSTP
M.D.

HGSTP
M(A)