

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA no. 393/93

: Date of order 25.11.94

Gordhan Lal Meena

: Applicant

V/s

Union of India & Others

: Respondents

Mr. J.K. Kaushik

: Counsel for the applicant

Mr. S.C. Sethi

Mr. S.S. Hasan

: Counsel for the respondents

CORAM

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman

Hon'ble Mr. B.N. Dhoundiyal, Member (Administrative)

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

4W / Heard the learned counsel for the parties. The applicant while working as a Guard was charge sheeted on the ground of carelessness and gross negligence shown by him on 29.7.89 when 4 Up Train was detained at BXN for 15 extra minutes. His defence was that he chewed the betel after lunch and became unconscious. This version has not been accepted by the Disciplinary Authority and the Appellate Authority and it was considered a gross negligence and gravest misconduct. Ordinarily no person can become unconscious after chewing a betel unless it contains some strong intoxicant. This may be a case of grave misconduct as large number of people suffered on account of the negligence of the applicant.

2. We have to look at the other aspects of this case. The applicant has served for about 30 years in the Department with unblemished record and was nearing retirement. He is a member of the Scheduled Tribes with meagre resources and 4' with him his family is also suffering. Though, we accept the findings of the Inquiry Officer, the other factors need consideration by the Appellate Authority. In the result, we accept the petition in part and direct the Appellate Authority to consider the submissions made by the applicant on humanitarian ground looking to his family history and the adverse effect which may be caused on the family on account of nonemployment of a bread earner of the family. Even if ~~the~~ his services

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have <sup>to be</sup> ~~the~~ <sup>in</sup> dispensed with, the future of the family can be secured by way of compulsory retirement or any other appropriate method. We direct the Appellate Authority to consider this aspect on humanitarian ground. The OA is disposed of accordingly. The Appellate Authority should consider all these factors and pass an appropriate order within three months of the receipt of a copy of this order. There shall be no order as to costs.

*B.N. Dhondiyal*  
(B.N. DHONDIYAL)  
MEMBER(A)

*D.L. Mehta*  
( D.L. MEHTA )  
VICE CHAIRMAN