

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH : JAIPUR

Date of order : 01.05.2002

O.A. No. 54/2000

Diwakar Vishnu Saporikar age about 65 years, son of Shri Vishnu Pant Saporikar, Caste Maharashtrian Brahmin, resident of Mittal Niwas Purohit Nagar, New Railway Colony (Near) Kota Junction, Kota (Rajasthan).

... Applicant.

versus

1. Union of India through General Manager, Western Railway, Church Gate, Bombay - 20.
2. Chief Works Manager, Western Railway, Kota Work Shop, Kota (Raj.).

... Respondents.

Mr. Rajveer Sharma, Counsel for the applicant.

Mr. R.G. Gupta, Counsel for the respondents.

CORAM:

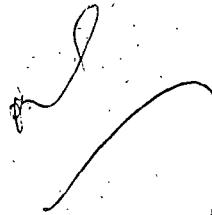
Hon'ble Mr. Justice O.P. Garg, Vice Chairman

Hon'ble Mr. A.P. Nagrath, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice O.P. Garg)

The applicant was Chargeman. He was prosecuted under Section 409 I.P.C. on a criminal charge. Simultaneously, the departmental proceedings were initiated against the applicant. The report of enquiry was submitted to the departmental authority in the year 1993. Perhaps, on account of the criminal proceedings pending against the applicant, no decision was taken by the departmental authority in the matter. The applicant stood superannuated in the year 1996. After the acquittal of the



applicant on criminal charge against him, no orders were passed on the report of enquiry. It appears that after the retirement of the applicant, the matter has been referred to the President of India. It has been brought to our notice that an order No. E(D&A)2000 AE 10-3 dated 26.04.2002 has been passed in the name of the President of India, which runs as follows:-

O R D E R

The President has considered the report of the Inquiry Officer appointed to inquire into the charges levelled against Shri Divakar V. Sakorikar, retired Chargeman 'A', Kota Workshop, Western Railway, vide charge memorandum No. E.308/3501/DV/164 dated 12.2.1986, alongwith other case records. The Union Public Service Commission has also been consulted by the President as required under the rules. A copy of the Commission's advice as contained in their letter No. F.3/417/2001-S.I dated 20.03.2002 is enclosed.

The President has held the charge of shortage of tips and inserts as alleged in the charge memorandum against Shri Divakar V. Sakorikar as proved. The President is of the view that Shri Divakar V. Sakorikar was not maintaining the accounts properly. He is liable for the unexplained and inexplicable loss of these stores, as he was their custodian and there is no apparent or overt evidence of any theft. The President has held that the charge proved against Shri Divakar V. Sakorikar constitutes a grave misconduct. After taking into account all other aspects relevant to the case, the President has decided that the penalty of 10% cut in the monthly pension for a period of five years be imposed on Shri Divakar V. Sakorikar.

BY ORDER AND IN THE NAME OF THE PRESIDENT."

The aforesaid order has been produced before us by Shri R.G. Gupta, learned counsel for the respondents. In view of the above order dated 26.4.2002 passed in the name of the President of India, this application does not survive. It is accordingly dismissed. However, in case the applicant is aggrieved by the order aforesaid, he will be at liberty to file a fresh O.A.

2. It is further directed that all the retiral and pensionary benefits, which are available under the Rules and subject to the order passed in the name of the President of India referred to



above, shall be released within a period of two months from the date of receipt of a copy of the certified copy of this order.

3. No order as to costs is made.

Unj
(A.P. Nagrath)
Adm. Member

Garg
(Justice O.P. Garg)
Vice Chairman

cvr.