

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 71/2000
T.A. No.

199

May kindly see
Court calendar
19/11/2002
J.W.

DATE OF DECISION _____

Ganeshi Lal

Petitioner

Mr. C.B. Sharma

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

None

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman

The Hon'ble Mr. A.P.Nagrath, Adm.Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(A.P.Nagrath)
Member (A)

(G.L.Gupta)
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 30/12/2002

OA 71/2000

Ganeshi Lal, Office Supdt. in the O/o Asstt.Engineer (Hqrs.Ajmer), W/Rly.
... Applicant

Versus

1. Union of India through General Manager, W/Rly, Churchgate, Mumbai.
2. Sr.Divisional Medical Officer (H/FW), Ajmer Dn, Ajmer, W/Rly.
3. Chief Medical Supdt., Ajmer Dn., Ajmer, W/Rly.

... Respondents

CORAM:

HON'BLE MR.JUSTICE G.L.GUPTA, VICE CHAIRMAN

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant ... Mr.C.B.Sharma

For the Respondents ... None

O R D E R

PER MR.A.P.NAGRATH

The applicant has been working as Office Superintendent w.e.f. 29.9.95. A charge-sheet for minor penalty dated 27.6.98 was issued to him for the alleged failure on his part for smooth and efficient working of staff under his control. After taking into consideration his explanation, the disciplinary authority vide order dated 31.8.98, imposed penalty of stoppage of next increment, which was due on 1.9.98, for a period of two years without future effect. Against this order, the applicant filed OA 541/99 before this Tribunal, which was disposed of vide order dated 7.12.99 directing the respondents to dispose of the appeal of the applicant as the said OA had been filed pending decision on the same. In pursuance of that order, the appellate authority vide order dated 10.1.2000, rejected his appeal. By filing this OA, the applicant has challenged the penalty order dated 31.8.98 (Ann.A/2) and the appellate order dated 10.1.2000 (Ann.A/3).

2. Heard the learned counsel for the applicant. There was none for the respondents.

3. The applicant has apparently been charged for his failure in supervising the work of one Smt. Madhu Jindal, Head Clerk, working under his control, who was assigned the task of maintenance of leave record of Class-III and Class-IV medical staff. It was found that she was not submitting monthly absentee statements and also manipulated her own attendance whereby she received an over-payment of Rs.12000/- in the IInd

half of the year 1997. The applicant has been held responsible for negligence on his part in respect of supervising the work done by Smt.Jindal.

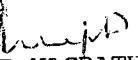
4. We find from the averments in the OA that the applicant has attempted to defend himself by stating that he held the supervisory post only in the latter part of the year 1997. One of the contentions raised by him is that he cannot be punished for the negligence of any other person. The learned counsel while building up the case for the applicant referred to the letter dated 6.7.98 (Ann.A/4), which is stated to have been written by the applicant to the Sr.DMO, wherein he had brought to the notice of the concerned officer the fact that Smt.Jindal was irregular in her work and was frequently absenting. The learned counsel, thus, submitted that the applicant was diligent in his duties and brought the erroneous conduct of Smt.Jindal to the notice of his superiors for necessary action.

5. We have considered the averments in the OA and reply of the respondents as also the arguments advanced by the learned counsel for the applicant.

6. We find absolutely nothing in the averments of the applicant which would merit our consideration. It is not in dispute that he, being Office Superintendent, was in supervisory position and was expected to monitor and control the work of his subordinate staff and also provide necessary guidance. It is obvious that a supervisor is required to make checks of the work of the staff under his control and to identify the areas of slackness and negligence as also to put in effect the remedial measures. The charge-sheet clearly states that Smt.Jindal had not been submitting absentee statements regularly and that she also manipulated her own leave record. It is sufficient proof indicative of the quality of supervision exercised by the applicant. He cannot be heard to say that it is only Smt.Jindal who should be taken up for this lapse and that no liability rests on him (i.e. the applicant). If such argument was to be accepted, the very purpose of having the officials in supervisory capacity would become meaningless. Plea raised by the learned counsel for the applicant that he (the applicant) had taken steps to draw his superior officers' attention towards slack working of Smt.Jindal is not acceptable. The letter by which he is stated to done so is dated 6.7.98 whereas the charge-sheet pertains to the year 1997. Considering the facts and circumstances of the case, we do not find any infirmity in the action of the disciplinary authority as also the appellate authority. The applicant has failed to make out any case whatsoever for our

interference.

7. This OA is totally devoid of merit and is dismissed. No order as to costs.


(A.P. NAGRATH)
MEMBER (A)


(G.L.GUPTA)
VICE CHAIRMAN