

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JATPUR BENCH, JATPUR.

OA 614/2001

DATE OF ORDER : 15.11.2002

Padam Singh son of Shri Chiddu Singh aged about 40 years, resident of Railway Colony, Quarter No. 177-B, Railway Colony, Quarter No. 177-B, Railway Colony, Bharatpur at present employed on the post of Gangman under CPWT, Western Railway, Kota Division, Bharatpur.

....Applicant.

VERCUS

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Assistant Engineer, Western Railway, Bharatpur, Kota Division.
3. Sr. Divisional Engineer (North), Western Railway, Kota Division, Kota.

....Respondents.

None present for the applicant.

Mr. S.S. Hassan, Counsel for the respondents.

CORAM

Hon'ble Mr. G.C. Srivastava, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

PER HON'BLE MR. G.C. SRIVASTAVA, MEMBER (ADMINISTRATIVE)

Heard the learned counsel for the respondents.

2. In this OA, the applicant has challenged the order of the Disciplinary Authority 9.10.95 (Annexure A/2), order of the Appellate Authority 18.9.96 (Annexure A/3) and the Inquiry Report dated 22.7.95 (Annexure A/4) and has prayed that the same be quashed.

3. The learned counsel for the applicant has relied on judgement of this Tribunal in OA No. 165/97, Hari Lal vs. Union of India & Ors., which pertains to the same incident in which the applicant in this OA alongwith another employee, Hari Lal was involved. After punishment was awarded for the alleged misconduct, Mr. Hari Lal had approached this Tribunal vide OA No. 165/97. After examining material on record, the

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Tribunal ~~allow~~ the OA and the impugned orders of punishment were quashed.

3. Since the applicant in this case is also ~~as~~ part of the same incident and charges were the same and punishment also awarded on the basis of the same Inquiry Report, which was earlier subject matter of OA No. 165/97, Hari lal vs. Union of India & Others, we consider that this OA is fully covered ~~by~~ OA 165/97 and relying upon the judgement in the aforesaid OA, we allow this OA also and set aside the order dated 9.10.95 (Annexure A/2), order of the Appellate Authority dated 18.9.96 (Annexure A/3) with all consequential benefits.

4. No order as to costs.

  
(M.L. CHAUHAN)

MEMBER (J)

  
(G.C. SRIVASTAVA)

MEMBER (A)

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