

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 21.05.2002

OA No. 231/2001 with MA No. 197/2002

Abdul Gaffar Khan son of Shri Nishar Khan by caste Muslim aged 44 years inhabitant of Quarter No. 997/B, New Railway Colony, Kota Jn., at present working as Head TNC in Traffic Operating Department, W. Rly. Kota.

....Applicant.

VERSUS

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Sr. Divisional Operating Manager, Western Railway, Kota.

....Respondents.

Mr. Arvind Bhardwaj, Counsel for the applicant.

CORAM

Hon'ble Mr. M.P. Singh, Member (Administrative)
Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. M.P. SINGH, MEMBER (ADMINISTRATIVE)

By filing this OA, the applicant has sought for a direction to quash and set aside the order dated 28.5.98^{passed} by Station Manager and order dated 22.7.98 passed by respondent No. 2 (Appellate Authority).



2. The brief facts of the case are that the applicant is working as Head Trains Clerk in Western Railway, Kota. While working as Head Trains Clerk, he was issued a charge sheet by the respondents for remaining absent unauthorisedly. The applicant had submitted his explanation on 30.4.98. In his reply, the applicant had stated that he was under the treatment of one Dr.K.G. Sikdar, MBBS, Retired Divisional Medical Officer from 14.1.98 to 16.4.98. Thereafter he got admitted in the Railway Hospital. In his explanation, the applicant has not denied the charges that he had remained on unauthorised absence. On the basis of the reply given by the applicant, the Disciplinary authority has imposed a minor penalty of stoppage of one increment for a period of one year without cumulative effect. He filed an appeal against the order of the Disciplinary Authority, which was rejected by the Appellate Authority vide its order dated 22.7.98. Aggrieved by this, he has filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the applicant. After perusing the documents filed by the applicant, we find that the charge sheet^{was} issued to the applicant on the following charges:-

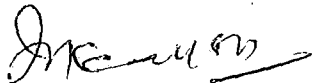
"आप दिनांक 14.1.98 से 16.4.98 तक बिना सूचित किये अपनी ड्यूटी से अनुपस्थित रहे हैं आपके इस प्रकार अनुपस्थित रहने से रेल सेवा कार्य में अनावश्यक बाधा उत्पन्न हुई। आपका यह कृत्य अशोभनीय एवं निन्दनीय है। अतः आपको रेल सेवा आचरण नियमों के उल्लंघन का दोषी पाया जाता है।"



4. We find from the reply submitted by the applicant on 30.4.1998 (Annexure A/2) that he has not denied the charge of remaining absent from duty. On the basis of the reply received from the applicant, the Disciplinary Authority came to the conclusion that the charge was proved and, therefore, imposed a minor penalty of withholding one increment for one year without cumulative effect on the applicant. It is a settled law that that this Court/Tribunal cannot reappreciate the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the Court/Tribunal. In this case, the penalty imposed upon the applicant is only a minor penalty and that too on the basis of the fact that the charge had not been denied by the applicant.


5. In view of the above position, we do not find any ground to interfere with the order passed by the Disciplinary Authority and Appellate Authority and, therefore, the OA is liable to be dismissed. We do so accordingly.

6. Since we have dismissed the OA on merits, the MA No. 197/2002 for condonation of delay is also dismissed accordingly.



(J.K. KAUSHIK)

MEMBER (J)



(M.P. SINGH)

MEMBER (A)

AHQ