

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1147 of 2004

Indore, this the 17th day of Nov. 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Girdharilal Singi, aged about 59 years,
Inspector Control, Bank Note Press,
Dewas, S/o. Shri Mangilalji Singi,
253, Civil Lines, Dewas (MP). Applicant

(By Advocate – Shri R.C. Chandak)

V e r s u s

1. Union of India, through Secretary,
Ministry of Finance, Department on
Economic Affairs, North Block,
New Delhi.
2. General Manager, Bank Note Press,
Dewas. Respondents

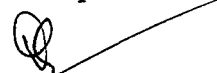
(By Advocate – Shri S.A. Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main relief :

- “i) to issue appropriate directions to the respondents quashing the order dated 15.3.2003 (Annexure A-9) which has been modified by order dated 26.6.2003 (Annexure A-11) and upheld by order dated 20.10.2004 (Annexure A-12).”
2. The brief facts of the case are that the applicant is working as Inspector Control at the respondent Bank Note Press and has been discharging his duties as representative of the respondent press whenever there is a consignment of notes that is dispatched. A consignment of notes



was required to be sent from Dewas to Bhopal via Ujjain, wherein the applicant another employee of respondent were representatives of the respondents Press. It was informed to the Railways that the consignment was to be sent and the route followed would be Dewas to Ujjain through shunting engine and from Ujjain to Bhopal through 85 dn, on 29.5.2001. Through notice dated 26.5.2001 the applicant was given the charge of being representative of the respondent Press for discharge of the duties as provided under the rules. The applicant was shocked to receive a memo dated 1.6.2001 wherein it was stated that the applicant was guilty of serious lapse as he failed to accompany the treasury van to Bhopal and he was asked to submit an explanation towards the same. A charge sheet was issued to the applicant under Rule 14 of the CCS (CCA) Rules. He immediately replied against it and he requested for the concerned documents relating to transmission of treasury van, prior deliveries and rules that specifically require that the representatives of the respondent Press are always with the treasury van. In the enquiry it was arrived that the applicant was guilty of the conduct of unbecoming of Government servant. The charges against the applicant were proved. Against this enquiry report he submitted reply, wherein all the adverse findings were specifically denied. In spite of the submissions made by the applicant order was passed by the respondents that two increments of the applicant would be withheld with cumulative effect. The punishment imposed on the applicant was partially reduced to withholding of increment for one year with cumulative effect by the appellate authority. Then he filed a revision petition which was dismissed vide order dated 20.10.2004 (Annexure A-12). Hence, this Original Application is filed.

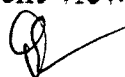
3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that the charges against the applicant are not proved as according to the earlier information by the



respondents to the Railway the consignment was to be sent from Dewas to Ujjain through shunting engine and from Ujjain to Bhopal through 85 dn on 29.5.2001. But according to the applicant the consignment was sent through a prior train accompanied by the Security personnel as required. He further argued that during the journey, in a station his companion got suddenly ill and the applicant took him for medical treatment. No opportunity of hearing was given to him and the relevant documents were not supplied. The applicant had also gone to take his meal with his companion. Hence, he cannot be said to be negligent in any way in discharging his official duties. The appellate authority has reduced the penalty vide order dated 26.6.2003 (Annexure A-11). The applicant is not at all responsible for any dereliction of duties. His revision petition was also dismissed vide order dated 20.10.2004 (Annexure A-12). Hence, this Original Application deserves to be allowed.

5. In reply the learned counsel for the respondents argued that the charge sheet was issued to the applicant on 11.7.2001 (Annexure R-1) for negligence in discharging the consignment duties to Reserve Bank of India, Bhopal. According to the consignment duty note issued by the Department to the applicant, he alongwith his companion were to accompany the said wagon of currency note through the Railway journey from Dewas to Bhopal. However, due to his negligence the wagon reached Bhopal unattended and unaccompanied by Press representatives. The applicant was given due opportunity of hearing and the relevant considered documents were supplied to him. All the facts regarding the alleged charges were known to the applicant. Hence, he is not at all prejudiced in any way. The enquiry officer had conducted the departmental enquiry according to the rules. The report of the enquiry officer was given to him. He submitted representation on 17.12.2002. The disciplinary authority has passed the impugned order dated 15.3.2003 (Annexure R-8). The applicant preferred an appeal against it and the appellate authority by taking a lenient view reduced the period of penalty



from two years to one year i.e. reduction of basic pay by one stage from Rs. 8,475/- to Rs. 8,300/- for a period of one year with effect from 1.4.2003 with cumulative effect. The applicant had also submitted a revision petition which was dismissed vide order dated 20.10.2004. The applicant cannot take the plea that instead of sending the consignment through 85 dn the consignment was send by a prior train. The respondents have drawn our attention towards letter written by the applicant dated 21.7.2001 (Annexure R-2) in which he has clearly mentioned that on 29.5.2001 morning the applicant had gone to take his meal with his companion keeping his luggage in the Railway wagon. While they were returning after taking meal his companion felt sudden illness. The applicant took him to the residence of his relative and he had to sit at night at the residence with his companion. Hence, they cannot go to Bhopal with the Railway wagon. This plea of the applicant cannot be said to be justified in any way. It shows that there was a great negligence on the part of the applicant while he had knowledge that bank currency were being carried and he was deputed as representative on behalf of the respondents. The action of the respondents is legal and justified. Hence, this Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, we find that the applicant and one his co employee were deputed as representatives by the respondents to accompany the Railway Wagon from Dewas to Bhopal via Ujjain. We have perused the letter written by the applicant dated 21.7.2001 (Annexure R-2) in which he has clearly mentioned that he had gone to take his meal with his companion keeping his luggage in the Railway wagon and while after returning from taking the meal his companion suddenly fell ill and he requested that he be taken to the Doctor and with the help of one of his relative he got him treated and under compelling circumstances the applicant had to stay at night at the residence of his relative with his companion. Thus the applicant and his companion could



not go to Bhopal with the Railway wagon and he also mentioned that due to fault of the Railway authorities the consignment of the respondents was sent by another wagon other than 85 down passenger and that wagon was under the security and protection of the Central Industrial Security Force. Such pleas of the applicant cannot be a ground for escape from his responsibilities. The charges against the applicant are proved and established by the enquiry officer. He was given due opportunity of hearing and the relevant documents were also supplied by the respondents. It is a settled legal proposition that the Courts/Tribunals cannot re-appraise the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the Courts/Tribunals. We also find that the appellate authority has taken a lenient view and has reduced the penalty awarded to the applicant by the disciplinary authority. The orders passed by the respondents are passed in accordance with rules and law and there seems to be no ground for interference.

7. Considering all the facts and circumstances of the case we are of the considered view that the applicant had failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, the same is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठोंकन से ओ/ज्या.....जयपुर, दि.....

पत्रिकादि.....

(1) सविता, बहालपुर, जयपुर, दि.....

(2) अविता, बहालपुर, जयपुर, दि.....

(3) प्रमोदी, बहालपुर, जयपुर, दि.....

(4) अविता, बहालपुर, जयपुर, दि.....

सूचना एवं आवश्यक कार्यवाही हेतु

सेप रजिस्ट्रार

P. C. Chandak P.M. 23/11/05
S. D. Sharma, J. K. Kori
D. D. D. D.

Filed
22-11-05