

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH, JABALPUR

O.A. No.644 of 2004

Date of order : 6-5-2005

C O R A M

Hon'ble Mr. M.P.Singh, Vice-Chairman
Hon'ble Ms. Sadhna Srivastava, Member(J)

Ganpat, son of Jhinoo Uaika, resident of Railway Colony, Quarter No.5, Sounsar,
District- Chhindwara. Applicant

Vrs.

1. Union of India through its Secretary, Ministry of Railway, New Delhi-110001.
2. Divisional Railway Manager, South East Central Railway, Nagpur.
3. Assistant Engineer, South East Central Railway, Chhindwara
4. Section Engineer (P.Way), South East Central Railway, Saoner, District-Nagpur.
5. P.W.I., South East Central Railway, Rama Kona, Tah. Souncer, District- Chhindwara. Respondents.

Counsel for the applicant : Shri M.Chandurkar
Counsel for the respondents : Shri N.S.Ruprah.

O R D E R

By Sadhna Srivastava, Member(J) :-

The relief sought in this application is that the respondents be directed to take back the applicant in service and continue him in employment with all benefits. The applicant was Keyman, Gang No.34 at Sounsar, District Chhindwara, South East Central Railway. He was appointed on 25.10.1984. He was habitual absentee. Since his



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appointment, he absented for 2250 days in the first 18 years of service. He was awarded punishment either for negligence of duty or unauthorised absence as many as five times i.e. 14.3.1989, 8.6.1994, 10.2.2004, 13.1.2004, and 15.1.2004 as a result of inquiry proceedings initiated against him. On 27.12.2003, PWI, South East Central Railway, who was the immediate controlling authority of the applicant, during the inspection of Tracks found keys in the loose condition on the track and a large number of offish bolts were also seen in loose condition. The applicant during duty hours was found staying in his quarter. Right from 27.12.2003 the applicant did not join his duty.

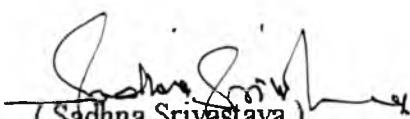
2. The case of the respondents is that the opportunities were provided to the applicant by means of letter dated 27.3.2004 (Annexure-R/10) to join duties, but the applicant did not turn up. Instead the applicant has chosen the course of filing this O.A.

3. Heard the ld. counsel for both the parties. We have carefully perused the pleadings as well.

4. Given the background history of the applicant's conduct and performance as reflected from the pleadings and various annexures, we feel that the applicant absented with effect from 27.12.2003 apprehending a major penalty. The record bears out that the applicant was issued a major penalty charge-sheet for unauthorised absence from 1984 to 1987 for which withholding of increment for one year with cumulative effect was awarded by order dated 14.3.1989. The second charge-sheet for major penalty also resulted in withholding of increment for one year with cumulative effect vide order dated 18.6.1994. The 3rd minor penalty charge-sheet resulted in withholding of one increment without cumulative effect vide order dated 10.2.2004. Fourth one was also a minor penalty charge-sheet issued vide order dated 13.1.2004, one set of privilege pass was



stopped. Fifth one is also a minor penalty charge-sheet wherein by order dated 15.1.2000 one set of privilege pass stopped. We do not find iota of evidence to show that the applicant made any attempt to attend his duties with effect from 27.12.2003. There has never been a whisper on his part though he was being prevented to attend to his duties. Possibly the first time he made any allegation or complaint is by means of this original application filed on 28.7.2004. Thus, he has been tight lipped from 27.12.2003 to 28.7.2004. However, it is sufficient to draw inference that the applicant is not interested in job. At least we do not find any ground to hold that he should be taken back. there is no reasonable ground for such a finding. There is no material at all on record to justify to justify the finding in favour of the applicant. We are, therefore, of the considered opinion that the application is liable to be dismissed. The O.A. is, accordingly, dismissed without any order as to cost.


(Sadhna Srivastava)
Member(Judicial)


(M.P.Singh)
Vice-Chairman

mps.

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परिविकार विभाग..... जवलपुर, वि.....
(1) देरा.....
(2) देरा.....
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सूचना द्वारा दर्शाया गया
m. Chanderkar
Dr. MBD
Dr. S. Ruprahan
Dr. MBD
13/7/2004 दिनांक
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