

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

....

Original Application No. 163/2003

Jabalpur, this the 22nd day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

Radheshyam Panthi s/o Sh. Nandlal
Aged about 45 years, Cabin Master,
Station Chouka (Raurkheda),
Central Railway, Bhopal.

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
The General Manager,
Central Railway, Bombay C.T.
Mumbai.
2. Divisional Railway Manager,
Central Railway,
Bhopal.
3. Divisional operating Manager,
O/O D.R.M. Central Railway,
Bhopal.

...Respondents

(By Advocate: Shri M.N. Banerjee)

O R D E R

By Madan Mohan, Member (Judicial) -

By filing this original application, the applicant
has sought the following main reliefs:

- i) Quash the orders dated 7.8.2002 (Annexure A-VII)
passed by the disciplinary authority.
- ii) to quash the order dated 3.10.2002 and 3.12.2002
passed by the appellate authority Annexure A-VIII &
A-X.
- iii) to direct the respondents to pay the withheld
increments of 2002 to the applicant.

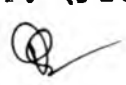
2. The brief facts of the case are that the applicant
was appointed in a regular post of pointsman on 22.1.1981
and was promoted as Cabin Man during the year 1990 and thereafter



in the year 1992 he was promoted to the post of Switchman and transferred to Raukhedi (Ganjbasoda) Vidisha District. While performing his duties honestly and sincerely, the applicant in the year 1999 was falsely implicated and was punished. The applicant preferred an appeal and his case was reconsidered and the punishment was revised to 'warning' only.

2.1 The applicant was surprised to receive a chargesheet issued on 30.8.2001. The applicant submitted his reply to the chargesheet denying all the allegations against him. The enquiry was conducted in the matter and the enquiry officer gave his finding that the first charge against the applicant is not proved but the second charge is partly proved. The applicant was given the enquiry report against which he submitted his representation, clarifying the 2nd charge alongwith documents in support. The disciplinary authority without considering the clarification given by the applicant imposed the penalty of withholding of increments with cumulative effect for six months for the year and also made it effective for further increments vide order dated 7.8.2002. Aggrieved by the order passed by the disciplinary authority the applicant preferred an appeal before the appellate authority but the appellate authority failed to appreciate the facts correctly and rejected the same on 3.10.2002. The applicant also preferred a revision appeal but the revisional authority without proper consideration of the contents and documents upheld the punishment imposed by the disciplinary authority and refusal of interference in the earlier order passed by the appellate authority. Hence, the applicant has approached this Tribunal seeking the aforesaid relief by filing the present original application.


3. None is present on behalf of the applicant. Since this is an old matter pertaining to the year 2003, we proceed to dispose of this O.A. by invoking the provisions of Rule 15 of C.A.T. (Procedure) Rules, 1987. Heard the learned counsel



for the respondents.

4. Learned counsel for the respondents argued that this is not a case of 'no evidence'. The applicant was given due opportunity of hearing as the applicant was supplied with the report of the enquiry officer and the applicant submitted his representation against the said enquiry report. The disciplinary authority after considering all aspects of the matter imposed the impugned penalty on the applicant. The applicant also preferred an appeal which was also considered by the appellate authority and rejected the same. It is further argued that the applicant has also preferred a revision petition and the revisional authority after giving due consideration dismissed the same upholding the orders passed by the disciplinary as well as appellate authority. Hence, principles of natural justice have been followed and no irregularity or illegality has been committed by the respondents. It is further argued that the impugned orders passed by the authorities concerned are just, proper, speaking and reasoned orders. Hence, the O.A. is liable to be dismissed.

5. After hearing the learned counsel for the respondents and careful perusal of the record, we find that the applicant was given due opportunity of hearing as he was given the enquiry report to file his representation, if any. The applicant filed his representation which was considered by the disciplinary authority and after due consideration the impugned penalty was imposed upon him. Aggrieved by the said order of the disciplinary authority, the applicant preferred an appeal before the appellate authority. The appellate authority finding no ground to interfere with the order of the disciplinary authority rejected the appeal of the applicant. The applicant also preferred a revision petition the same was considered and rejected by the revisional authority. This is not a case of 'no evidence' but is based on evidence on record and the orders passed by the disciplinary authority, appellate authority and revisional authority are just and



proper. Moreover, it is settled legal position that the Tribunals/
Courts cannot re-appraise the evidence cannot go into the
quantum of punishment.

6. In the facts and circumstances of the case and in view
of the observations made above, we find no merit in the present
original application and the same is accordingly dismissed
without any as to costs.

(Madan Mohan)
Member (Judicial)

(M.P. Singh)
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
प्रतिनिधि अग्रे विस्त:-

- (1) सचिव, उच्च न्यायालय तार एसेसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काबिल
- (3) फरवरी श्री/श्रीमती/कु.....के काउंसल
- (4) डायरेक्टर, कोषा, जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

Shri. J. Chaudhary
MAN Taneer

Bhimdas
28/6/04

Issued
on 28.6.04
BS