

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 625 of 2000

Jabalpur, this the 13th day of February, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. G.Shanthappa, Judicial Member

Karan son of Khuba, aged
about 40 years, Occupation
Service Western Railway,
Resident of Railway Colony
Jatpura, Akodia, Sijalpur.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India through its
General Manager, Western
Railway, Chuchgate, Mumbai,
2. Divisional Railway Manager,
Western Railway, Ratlam,
3. Senior D.E.N. Western Railway,
Ratlam.
4. Astt. Engineer Western Railway
Ujjain.

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By, M.P. Singh, Vice Chairman -

None for the applicant. As this is an old matter of the year 2000 we are disposing of the same in the absence of learned counsel for the applicant, by invoking the provision of Rule 15 of Central Administrative Tribunal(Procedure) Rules, 1987.

2. By filing this OA, the applicant has sought a direction to quash the Annexures-A-1 and A-2 and also respondents be directed to give all the benefits ^{of} promotion with back wages to him, and further direction to pay all payments during suspension period.



3. The brief facts of the case are that the applicant ^{is} working as Gangman in the Railways. He was issued a charge sheet on 15.7.98. The enquiry officer has been appointed to investigate/conduct the enquiry. An enquiry officer has held the charges proved against the applicant. The findings of the enquiry officer were sent to the applicant for submitting his representation. In pursuance ^{of} the findings, the applicant has submitted his representation. The disciplinary authority has considered the representation of the applicant and after taking into consideration, the findings of the enquiry officer and other relevant material on record, the disciplinary authority has imposed the penalty of compulsory retirement on the applicant. The applicant had filed an appeal before the appellate authority on 12.8.1999. The appellate authority has passed ^a modified ^{penalty} order dated ^{nil} November, 1999 (Annexure-A-1)* of reduction in lowest stage in the same time scale for the period of three years without cumulative effect. Aggrieved by this order, he has filed this OA claiming the aforesaid relief.

4. Heard the learned counsel for the respondents and perused the available material on record.

5. We find that the applicant has been issued a charge sheet and enquiry was conducted by the respondents as per rules. The applicant has been given an opportunity of hearing and the principles of natural justice have been followed. Now it is well settled ~~proposition~~ of law, the Tribunal cannot reappraise the evidence and also cannot go into quantum of punishment. The disciplinary authority has imposed the penalty of compulsory retirement which has been converted or modified by the appellate authority into ^{the} minor penalty. We do not find any illegality in ^{the} orders passed by the disciplinary authority and the appellate authority.

6. For the reasons discussed above, we do not find any ground to interfere with the impugned order passed by ^{both the disciplinary authority as well as the} the appellate authority. The OA is therefore bereft of merits and accordingly, it is dismissed without any order as to costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

पृष्ठांकन सं. ७०५४४ दि.

सं. ७०५४४

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- (2) ...
- (3) ...
- (4) ...

D. Sharma
M.N. Tarjane

Rajendra
अप सचिवद्वारा 20/2/04

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