

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 08th day of April, 2011

ORIGINAL APPLICATION NO. 444/2007

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Parasram son of Shri Udairam aged about 39 years, resident of Quarter No. J/8 Road No. 3, Ganpati Nagar, Railway Colony, Jaipur. Presently posted as Technician Grade I, under Sr. Section Engineer RAC, Jaipur Division, NWR, Jaipur.

.....Applicant

(By Advocate: Mr. Shailendra Shrivastava)

VERSUS

1. Union of India through General Manager, North Western Railway, in front of Railway Hospital, Hasanpura, Jaipur.
2. Sr. Divisional Engineer, Jaipur Division, NWR, Jaipur.
3. Senior Section Engineer, RAC, Jaipur Division, NWR, Jaipur.
4. Assistant Divisional Electrical Engineer, Jaipur Division, NWR, Jaipur.

.....Respondents

(By Advocates: Mr. R.G. Gupta)

ORDER (ORAL)

In the present OA, impugned order dated 12.09.2007 (Annexure A/1) by which Disciplinary Authority has inflicted penalty of one stage below in the same scale for one year without cumulative effect and impugned order dated 23.10.2007 (Annexure A/2) passed by the Appellate Authority to affirm the earlier order dated 12.09.2007 are under challenge.

2. Brief facts of the case are that the applicant was working on the post of Technician Grade I under the respondents. He was expected to discharge his duties pertaining to the RAC cadre of the Electrical



Department in which Escorting the train is one of the defined duties with which he was entrusted to while he was discharging duties on 10.07.2007 on Train No. 2977 popularly known as Ernakulam Express. The applicant was served with a minor penalty charge sheet dated 19.07.2007 wherein he was leveled the charge of furnishing wrong information. It was alleged therein that on the return from the scheduled trip in question, the applicant had given incorrect position about the Coach No. 05055 in his report. Mainly it is alleged that as per the report of the applicant, the position of the concerned coach was (6+6+6+6 Balts and 112/188 Vol.) + O.K. while in fact one of the lug of the Alternator of the P.P. side was burnt when the coach was placed on Pit Line on 12.07.2007 for the purpose of maintenance and resultantly coach was declared as sick. In response of the charge sheet, the applicant furnished his explanation dated 20.07.2007 (Annexure A/4) wherein he had categorically denied the charge of furnishing wrong information leveled in the said charge sheet. It is also contended that at the bottom of the explanation, the applicant obtained the signature of two Assistants namely; Shri Shankar Lal Sharma and Satish Kumar Sharma alongwith one junior Technician namely; Shri Pramod Kumar, who were also on duty with the applicant and all of them have reaffirmed that we all had checked all the coaches together and alternator of the coach in question was working.

3. We have carefully persued the impugned order dated 12.09.2007 (Annexure A/1) and 23.10.2007 (Annexure A/2) as well as the memorandum of charge sheet and explanation given by the applicant. It is no doubt that the applicant was negligent to furnish the correct information but it is also admitted that no loss was caused on



account of negligence on the part of the applicant. Looking to the gravity of the charges leveled against the applicant and the report submitted by the applicant hereinabove, of course the applicant was negligent but looking to the explanation submitted by the applicant, penalty of reduction of one stage below in the same scale for one year without cumulative effect appears to be is harsh & disproportionate and the penalty of censure is proper to be awarded for the negligence committed by the applicant. Thus we reduced the penalty of reduction of one stage below in the same scale for one year without cumulative effect to that of censure and accordingly, the punishment awarded to the applicant is modified.

4. With these observations, the OA filed by the applicant is partly allowed.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

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