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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

28.03.2012

MA 352/2011 & 353/2011 (OA No. 77/2009)

Mr. Satish Pachory, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

MA No. 353/2011

This MA has been filed by the applicant for condoning the delay caused in filing the restoration application. The delay is condoned.

This MA stands disposed of.

MA No. 352/2011

This MA has been filed by the applicant for restoration of the OA, which was dismissed in default on 28.09.2011. The OA is restored to its number and position.

This MA also stands disposed of.

OA No. 77/2009

Heard. The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

K.S. Rathore

(Justice K.S. Rathore)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 28th day of March, 2012

Original Application No.77/2009

CORAM:

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

Pyar Singh Meena
s/o Shri R.L.Meena,
at present Junior Clerk,
Paint Shop, Railway Workshop,
West Central Railway, Kota,
r/o 108, Kailashpuri, Kota Jn.,
Kota.

.. Applicant

(By Advocate: Shri Satish Pachori)

Versus

1. Union of India
through General Manager,
West Central Railway,
Headquarter, Jabalpur (MP)
2. Chief Workshop Manager,
Wagon Repair Shop,
West Central Railway, Kota.
3. Mr. S.C.Gupta,
S.S.E., BTC Enquiry Officer,
Kota.
4. Works Manager,
Wagon Repiar shop,
W.C.R., Kota.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

The present OA is directed against the chargesheet dated 23.2.2007 (Ann.A/1), order dated 14.11.2007 (Ann.A/2) and order 31.12.2008 (Ann.A/3).

2. Brief facts of the case are that the applicant was working as Head Clerk in the grade of Rs. 5000-8000 in SSE Paint Shop in Wagon Repair Shop, West Central Railway, Kota. A chargesheet dated 23.2.2007 was served upon the applicant alleging therein that the applicant was under influence of the liquor during the office hours and on surprise check, the applicant ran away from the office and liquor and glass etc. were seized from the room.

3. The applicant submitted reply to the chargesheet and raised objection that the applicant was under the influence of the liquor could not be established as he was not medically examined. It is also denied that he absented from the duty during the lunch hours on 2.2.2007.

4. The Enquiry Officer conducted enquiry and having considered the reply submitted by the applicant submitted enquiry report. After considering the reply submitted, the Disciplinary Authority



imposed penalty vide order dated 14.11.2007 against which the applicant preferred appeal and the appeal was decided on 2.4.2008 by modifying the punishment awarded by the Disciplinary Authority vide order dated 14.11.2007. The applicant also preferred a revision petition and the same was dismissed vide order dated 31.12.2008. The penalty order of Appellate Authority as well as the Revising Authority is challenged on the ground that hostile attitude has been adopted in the case of the applicant whereas in similar cases of intoxication, different view of imposing penalty was taken by the respondents.

5. The submissions advanced on behalf of the applicant were strongly controverted by the respondents and it is submitted that for violation of Railway Service Conduct Rules, 1966, the applicant has been suspended under the Railway Servant (Discipline and Appeal) Rules, 1968. Thereafter the applicant was served a chargesheet dated 23.2.2007 for major penalty for his severe misconduct. A departmental enquiry was conducted and the applicant was imposed a penalty vide order dated 14.11.2007. The applicant has been punished at number of times for his misconduct during his service period. The chargesheet which has been served upon the applicant dated 23.7.2007 has been served on the facts alleged in the chargesheet. All the arguments replied by the applicant have been considered by the Disciplinary Authority and it has been found that a due procedure as provided under the Railway Servants



(Discipline and Appeal) Rules, 1968 has been followed. The applicant remained present from 10.15 to 10.55 hrs. at the place of incident and thereafter he has run away. It is also wrong to say on the part of the applicant that he was present at his working place from 13.00 to 17.00 hrs. on 2.2.2007. When on the report of the Incharge of the applicant at 10.56 on 2.2.2007, the applicant has been shown to be absent by marking a circle in the attendance register. Thus, the charges against the applicant have been fully proved on the basis of the statement of witnesses.

6. We have thoroughly considered the submissions made on behalf of the respective parties and having considered the representation and the order impugned and the enquiry report as well as the order passed by the Disciplinary Authority, Appellate Authority and Revising Authority, it appears that the applicant is habitual of committing misconduct and during the surprise check he was found under the influence of the liquor during the office hours at about 10.50 hrs. but he ran away from the office leaving behind the liquor bottle and glasses. Earlier also, the applicant was punished for disobedience. Thus, looking to the conduct of the applicant, we find no illegality in the order impugned passed by the Disciplinary Authority, Appellate Authority and the Revising Authority. The Appellate Authority has sympathetically considered the case of the applicant and reduced the punishment awarded by the Disciplinary Authority and we also do not find any illegality in the order passed



by the Revising Authority by upholding the order passed by the Appellate Authority.

7. Consequently, the order under challenge in this OA do not require any interference by this Tribunal and the OA, therefore, fails and accordingly dismissed with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

J. S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/