

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/01208/2015

DATED THIS THE 24TH DAY OF JULY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI DINESH SHARMA, MEMBER(A)

K.K. Krishna Raj,
S/o G. Kunjukrishna Pillai,
Aged about 48 years,
Coaching Depot Officer/Coaching Depot,
South Western Railway/Bangalore Division,
Residing at No.5
4, Lakshmi Priya,
V.S.H.S Layout, Mysore-570 029.

...Applicant

(By Advocate Shri T.C. Govindaswamy)

V/s

1.The Union of India represented by
The Secretary to Government of India,
Ministry of Railways,
Rail Bhavan,
New Delhi-110 001.

2. The General Manager,
South Western Railway HQ,
Hubli P.O,
Dharwar District,
Karnataka, PIN: 580 020,

3.The Divisional Railway Manager,
South Western Railway,
Bangalore Division,
Bangalore-560 023.

...Respondents

(By Shri J. Bhaskar Reddy, Railway Standing Counsel)

O R D E R (ORAL)HON'BLE DR. K.B. SURESH, MEMBER(J)

Heard. The matter relates to supply of PVC rolls per coach while the applicant was in-charge of indenting and the fact is that an error had crept in his duty. The case of the respondents seems to be that because of this, there was a revenue loss, because of over indenting. As we find from the records that 398 rolls were used up during the period of 2008 August itself and the rest of it within 2009 January. There cannot be any revenue loss. There is no allegation of any mis-appropriation or mis-intention on the part of the applicant.

2. At this point, we are appraised that only a minor punishment has been imposed on the applicant. It is correct that only a minor punishment has been imposed. But what we consider is that it will deny him promotion for next 2 years to Group 'A' service.

3. We have carefully gone through the issue involved. The issue involved is something very minor in nature and there is absolutely no loss of revenue, as even the rolls per coach, whether 6 or 3.5, the entire rolls have been utilized within the period for which it is indented. There is no revenue loss to the authorities and the applicant in Annexure A-5 had admitted that there was an error in indenting due to oversight of the change in specifications.

4. Not all mistakes are infractions. This can utmost be treated as a small mistake and nothing more. If mistakes are to be detailed as carrying punishment as infraction, then there cannot be any governance at all, because all Senior Officers will have to take decisions within their

discretion and their knowledge. It is quite possible that an error may also creep in. Therefore, we hold that the applicant is not entitled for the punishment, as charge against the applicant will not lie under law and tenets of Wednesbury reasonableness. Therefore, we quash the charge sheet as well as its consequences.

5. The OA is allowed. No costs.

(DINESH SHARMA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA. No.1208/2015

- Annexure-A1: Copy of penalty order dated 20.07.2011 issued by the 2nd respondent.
- Annexure-A2: Copy of order dated 10.06.2013 issued by the 1st respondent
- Annexure-A3: Copy of order dated 18.06.2015 issued by the 1st respondent
- Annexure-A4: Copy of charge memo dated 29.03.2011 issued by the 2nd respondent
- Annexure-A5: Copy of reply dated 05.05.2011 submitted to the 2nd respondent
- Annexure-A6: Copy of appeal dated 18.08.2011 submitted to the President
- Annexure-A7: Copy of supplement to appeal dated 29.09.2011 submitted to the President
- Annexure-A8: Copy of letter dated 22.11.2012 issued by the 2nd respondent
- Annexure-A9: Copy of review application dated 15.11.2013 submitted to the President
- Annexure-A10: Copy of communication dated 07.12.2011 issued by the Railway Board

Annexures with reply statement:

- Annexure-R1: Copy of order dated 10.07.2015
- Annexure-R2: Copy of Rail Wheel Factory office order dated 17.07.2015

Annexures with Affidavit:

- Annexure-R3: Copy of indent dated 09.07.2007
- Annexure-R4: Copy of indent dated 14.07.2007

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