

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHIOA/051/00061/2015w i t hMA/051/00162/2018MA/051/00164/2018Date of Order:- 07.01.2019**C O R A M**

HON'BLE MR. JAYESH V.BHAIRAVIA, MEMBER (JUDL.)

HON'BLE MR. DINESH SHARMA, MEMBER (ADMN.)

.....

Bhima Lohar, son of Lakhi Charan Lohar, resident of Muri, PO-Muri,
PS-Silli, District-Ranchi.

.....Applicant.By Advocate:- Mr. L.D.Ram.

Vs.

1. Union of India through General Manager, S.E.Railway, Garden Reach, Kolkata, West Bengal.
2. Divisional railway Manager, S.E.Railway, Ranchi.
3. Senior D.P.O., S.E.Railway, Garden Reach, Kolkata, West Bengal.
4. Assistant Divisional Engineer, S.E.Railway, Muri, Ranchi.
5. Senior D.E.M. (East)/RNC(II), D.P.C./RNC (Bill)(IV), Hatia Ranchi.
6. Mr. R.K.Singh, A.D.E.N/Muri at Muri, PO-Muri, District-Ranchi.

.....Respondents.By Advocate:- Mr. P.D.Singh, Addl.Standing Counsel.**O R D E R(ORAL)**

Jayesh V.Bhairavia, Member (Judl.):- Heard learned counsel for both the sides and perused the record. It transpires from the record that the instant OA was dismissed for default by a Division Bench on 18.04.2017. Pursuant thereto, restoration application along with condonation application, bearing Misc. Application No. 65 & 66 of 2018, respectively, was filed which also was dismissed on 12.03.2018.

Now, the applicant has filed MA No. 162 of 2018 for restoration of Original Application, along with petition for condonation of delay, bearing MA No. 164 of 2018 in filing the aforesaid MA. It is stated that due to personal difficulty he could not mark the case listed on the scheduled date and as such earlier Misc. Application for restoration of OA was dismissed.

2. We notice that the counsel for the applicant has sufficiently explained the reason for condonation of delay in filing the restoration application and as such, we allow the restoration application.

3. Accordingly, the OA is restored to its original position.

4. We have examined the order passed by the Disciplinary Authority and the material on record. We do not find any infirmity in the impugned order as the principles of natural justice has been followed before imposing punishment upon the applicant. The applicant too, has participated in the disciplinary proceeding and the reasons stated by the Disciplinary Authority in its conclusion for holding the charge to be proved do not warrant interference by this Tribunal. The quantum of punishment also cannot be said to be disproportionate.

5. Under the circumstances, we do not find any merit to interfere with the decision of the Disciplinary Authority in imposing the punishment upon the applicant.

6. In view of above, the OA is dismissed.

Sd/-

(Dinesh Sharma)/M(A)

Sd/-

(Jayesh V.Bhairavia)/M(J)