

Central Administrative Tribunal  
Principal Bench

O.A. No. 1259 of 1999

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New Delhi, dated this the 15th September, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Surajmal Singh Rang,  
Ex-Inspector of Central Excise & Customs,  
R/o 229C, Packet C, Mayur Vihar Pase II,  
Delhi-110091. ... Applicant

(By Advocate: Shri R.P. Sahi)

Versus

1. Union of India through  
the Secretary,  
Ministry of Finance,  
Dept. of Revenue, North Block,  
New Delhi.
2. Central Board of Excise & Customs  
through the Chairman,  
Ministry of Revenue,  
North Block,  
New Delhi.
3. Dy. Commissioner of Customs & Excise (P&V),  
Commissioner of Delhi-1,  
C.R. Building, New Delhi.
4. Commissioner of Customs,  
New Customs House, IGI Airport,  
New Delhi. ... Respondents

(By Advocate: Shri R.R. Bharti)

ORDER (Oral)

MR. S.R. ADIGE, VC (A)

This O.A. has been filed by applicant Shri Surajmal Singh Rang against the Disciplinary Authority's order dated 18.9.96 (Annexure A-1), the appellate order dated 5.3.97 (Annexure A-2) and the revisional authority's order dated 22.2.99 (Ann A-3)

2. In the relief Para, however, applicant has prayed for quashing and setting aside <sup>only</sup> the impugned order dated 18.9.96 (Annexure A-1). When we

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pointed out the discrepancy to applicant who is also present in the Court, he has amended the relief Para 8 in our presence and also prayed for quashing and setting aside of Annexure A-2 order dated 5.3.97 and Annexure A-3 order dated 22.2.99.

3. Applicant was proceeded against departmentally on the charge that while posted and functioning as ACO at day warehouse at IGI Airport, New Delhi on 23.10.92, he, in connivance with one Smt. Santosh Malik, ACO demanded and accepted a sum of Rs.4,000/- as illegal gratification from a lady passenger named Smt. Amarjit Kaur for clearance of her son's and her mishandled baggage who later identified the officer. Furthermore applicant was charged that in connivance with Smt. Malik he wilfully came to her counter ~~Malik~~ and harassed the abovesaid lady passenger, and negotiated the bargain which was settled at Rs.4000/- in order get quick clearance, though the documents of that lady passenger were not marked to him for clearance.

4. Admittedly a joint enquiry was conducted against Smt. S. Malik, ACO as well as applicant. The Enquiry Officer in his report dated 31.8.95 (copy on record) held the charge against Smt. Malik and applicant as not proved.

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5. Disagreeing with the findings, of the E.O. the disciplinary authority by Memorandum dated 15.3.96 forwarded a copy of E.O's report, together with the reasons for his disagreement, to applicant as well Smt. Santosh Malik for representation, if any.

6. Applicant submitted his representation on 29.3.96 (Annexure A8).

7. Upon receipt of the applicant's representation, the disciplinary authority after considering the materials on record held both charges as proved and by impugned order dated 18.9.96 dismissed applicant from service, which order was upheld in appeal vide order dated 5.3.97 as well as in revision by order dated 22.2.99.

8. It is not denied that in Smt. S. Malik's case ~~also~~<sup>2</sup> also, the disciplinary authority dismissed her from service, upon which she filed an appeal which was rejected. Thereupon without filing a revision petition, she filed O.A. No. 978/97, which after hearing both parties, was allowed by order dated 8.8.2000 (copy taken on record). By that order dated 8.8.2000, the impugned order of the Disciplinary Authority dated 18.9.96, and of the appellate authority dated 5.3.97, were quashed and set aside, with consequential reliefs. As Mrs. Malik had meanwhile retired from service on superannuation, Respondents were directed to treat her as having been in service, till the date of her normal

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superannuation, as if the dismissal had not taken place and grant her consequential benefits which included pensionary benefits as well, within three months from the date of receipt a copy of the order.

9. We have heard applicant's counsel Shri Sahi and Respondents' counsel Shri R.R. Bharti.

10. Shri Bharti does not seriously dispute Shri Sahi's contention that the aforesaid order dated 8.8.2000 passed by C.A.T., P.B. in O.A. No. 978/97 would, in the facts and circumstances of the case noticed above, be applicable in the present case also.

11. In the result the O.A. succeeds and is allowed to the extent that the impugned orders of the Disciplinary Authority dated 18.9.96, the appellate order dated 5.3.97 and the revisional authority's order dated 22.2.99 are quashed and set aside. Applicant should be reinstated in service with immediate effect. Pursuant to the same applicant shall be entitled to such consequential benefits as are admissible to him in accordance with rules and instructions and judicial pronouncement on the subject. Respondents are directed to issue necessary orders in this regard within three months from the date of receipt of a copy of this order. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member (J)

Csk

S.R. Adige

(S.R. Adige)  
Vice Chairman (A)