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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1503/99

New Delhi, this the 9th day of August, 2000

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Sh. Prem Lal
S/o Sh. Chhanu,
Ex. Safaiwala,
Under Chief Health Inspector,
Northern Railway,
New Delhi Railway Station,
New Delhi. Applicant
(By Advocate: Ms. Meenu Mainee proxy for
Sh. B.S.Mainee).

Vs.

Union of India through

1. The General manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Divisional Traffic Manager,
Northern Railway,
Divisional Rly. Manager's Office,
State Entry road,
New Delhi.
4. The Asstt. Commercial Manager (Coaching),
Northern Railway,
Divisional Rly. Manager's Office,
State Entry road,
New Delhi. Respondents
(By Advocate: Sh. R.P.Agarwal)

ORDER (ORAL)

By Sh. V.Rajagopala Reddy, Vice Chairman (J)

While the applicant was working as Safaiwala, a charge sheet has been issued alleging that he had generated fake signatures or thumb impressions of 14 employees giving their no objection for allotment of Railway quarter to the applicant, out of priority. On that basis he got the allotment of railway quarter out of priority. The applicant

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having denied the charges an enquiry was held. The Enquiry Officer, however, did not find the charge proved. The disciplinary authority in the impugned order found him guilty of the charge, removed him from service by his order dated 22.3.99. This order was confirmed by the appellate authority. The OA is, therefore, filed challenging the order of removal from service.

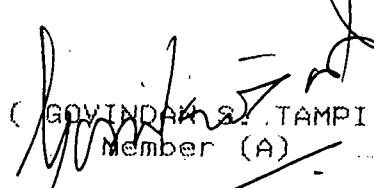
2. Learned counsel for the applicant contends that the disciplinary authority without there being any evidence on record, found the applicant guilty of the charge. Heard counsel for the applicant and the respondents.

3. We have perused the Enquiry Officer's report where it is clearly stated that there was no evidence either oral or documentary in support of the charge that the applicant had procured the signatures of 14 persons giving their no objections for allotment of the quarter in favour of the applicant. He, therefore, concluded that the charge was not proved. The disciplinary authority, however, strangely, found the applicant guilty in the absence of any evidence on record without assigning any reasons for his finding. It also does not say that the findings given by the Enquiry Officer were not agreed to. In the circumstances, the order of removal of applicant cannot be sustained. The only allegation against the applicant being that he had procured bogus signatures/fingerprints of certain persons who are above in the priority list, giving their no objection for allotment of quarter in favour of the applicant and when there was no evidence in support of the charge, the applicant is entitled for exoneration.

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4. The OA, therefore, succeeds. The impugned orders of the OA and appellate authority dated 22.3.99 and 22.7.99 respectively are quashed. Respondents are directed to reinstate the applicant within a period of three months from the date of receipt of a copy of this order. We, however, direct the payment of 50% of wages to the applicant. OA is, accordingly, allowed with cost of Rs.3000/-.


(G. GOVINDARAJ TAMPI)
Member (A)

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(V. RAJAGOPALA REDDY)
Vice Chairman (J)