

Central Administrative Tribunal
Principal Bench

O.A. 175/95

New Delhi this the 10th day of September, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri S.P. Biswas, Member(A).

Prahlad Singh,
S/o late Shri Pooran Singh,
Retd. Parcel Porter,
Northern Railway,
Railway Station,
New Delhi.

Applicant.

By Advocate Shri G.D. Bhandari.

Versus

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.

Respondents.

By Advocate Shri B.S. Jain.

O R D E R (ORAL)

Hon'ble Shri S.P. Biswas, Member(A).

The applicant, a retired Parcel Porter under the Respondents/Railways, is aggrieved by the order dated 26.8.1993 by which he has been awarded a punishment of reduction to a lower stage of pay of Rs.750/- in the time scale of pay of Rs.750-940 (RPS) with cumulative effect till his retirement.

2. The applicant seeks to assail the aforesaid order of punishment, pursuant to the disciplinary proceedings held, on the basis of large number of grounds. The applicant would submit that all the PWs are members of the Vigilance Organisation, including the decoy passenger.

In such a situation, it was difficult for the applicant to bring out the truth in the matter since all the officials who appeared in the proceedings were either of Railways or of the vigilance department and all of them were bent upon to prove the guilt of the applicant. The applicant would also submit that the leader of the team i.e. Shri S.K. Jain, had conducted the raid by himself and yet had been left out at the time of tendering evidences. Since Shri Jain was the main witness, it was necessary for the respondents to produce him at the time of enquiry proceedings. 11


3. We have heard learned counsel for both the parties and perused the records. We find that the applicant was duly served with a major penalty charge-sheet under SF-5 and the proceedings were concluded in the presence of all relevant witnesses, including those who had to defend the applicant. The Inquiry Officer in its finding dated 10.5.1993 held that the charges framed against the CO Shri Prahlad Singh, Parcel Porter had been proved. The applicant has not raised any plea of there being no opportunity having been given to him to defend his case. He has, however, taken the pleas that the punishment awarded to him is highly disproportionate, the case has been concocted and the inquiry has been vitiated by evidences of interested parties.

4. While examining the record, we find that the applicant in his defence note dated 19.3.1993 has admitted that 'Shri Raghunath Sahai got the scooter loaded in the rear SLR of Prayag Raj by his own labour. While I was leaving PF No. 8, the owner of the scooter called me and took me to the Tea Stall nearby and put Rs.70/- in my right pocket of my coat'. Apart from this admission, the


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applicant has also submitted in his representation to the Chief Area Manager, Northern Railway, that the Vigilance Inspector took him to the Tea Stall and all of them took tea together. In the meanwhile, somebody kept Rs.70/- in his pocket. In the face of such a straight admission, we need not have to grove in dark to identify the lapses on the part of the applicant. The fact that the applicant was involved in the allegations levelled against him and that those allegations have been proved and admitted by him are more than enough to support respondents' action against the erring official. The applicant has also taken the plea that the punishment is grossly disproportionate to the offences committed. We do not find any ground, much less convincing ones, to warrant our interference in the matter since the offences committed by the applicant have been established during the course of the proceedings duly held under the Railway Servants (Discipline and Appeal) Rules, 1968. We do not find any procedural infirmity. Nor it is a case of no evidence or lack of adequate opportunity in terms of natural justice.

5. In view of the facts as aforesaid, there is no merit in the application and the same is accordingly dismissed but without any order as to costs.


(S. P. Biswas)
Member(A)

'SRD'


(Smt. Lakshmi Swaminathan)
Member(J)