

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.259/97 in OA No.2379/1996

New Delhi, this 5th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri N.N.S. Rana
s/o Shri Shamsher Singh
24A, Railway Officers Colony
Sardar Patel Marg
New Delhi
(By Advocate Shri J.K. Bali)

.. Applicant

versus

Union of India, through

1. The Chairman
Railway Board
Ministry of Railways
Rail Bhavan, New Delhi
2. Secretary
Ministry of Railways
Rail Bhavan, New Delhi
3. General Manager
Northern Railway
Baroda House, New Delhi

.. Respondents

ORDER(in circulation)

Hon'ble Shri S.P. Biswas

Applicant is seeking a review of the judgement and order dated 9.9.97 in OA 2379/96, the operative portion of which is as under:

- (i) In the special circumstances of the case the order of suspension is revoked only with reference to applicant's place of posting other than Northern Railway Hqrs. at Baroda House, New Delhi. In other words, the respondents are at liberty to post him in accordance with rules at any other place. The impugned order of suspension dated 30.10.96 shall stand revoked only on and from the date the applicant joins the new post, if so ordered by the respondents.
- (ii) The belated review of the order of suspension shall be carried out in eight weeks' time keeping in view the direction aforesaid as well as the need for conducting a proper enquiry in the case.
- (iii) Our orders shall not stand in the way of continuing with the proceedings in a time bound programme as laid down by the apex court in its order dated 13.8.1997.

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2. The review applicant seeks to justify review of our judgement on the basis of ^{alleged} errors apparent on the face of records in respect of the following;

(A) That the articles of charge and the statement of imputations do not mention about the contents of the four letters and the averment in this respect is cryptic and could not form the basis of Tribunal's observations on the subject;

(B) That the two sets of press releases - one on 4.11.96 and other in July, 1996 are not similar; and

(C) That additional submissions touching upon the guidelines for completing the disciplinary proceedings within 150 days warrant quashing of suspension itself instead of its revocation.

(D) Finally, a prayer has also been made to modify our judgement/order dated 9.9.97.

3. We do not find any error apparent on the face of records. A close scrutiny of the charge-sheet dated 16.12.96 and the statement of imputations do bring out elements of moral turpitude and sexual harassments. The four letters (much prior to the date of explosion of the event on 23.9.96) have been listed as documents to prove the allegations. Our views on the mutual relationship between the applicant and lady Secretary are based not only on the basis of those four prior communications but also on the suggestive and provocative remarks by the applicant towards the said lady Secretary. The details of such unhealthy remarks, not controverted properly by the applicant, are available in the statement of imputations of misconduct and misbehaviour as at RR-II. The fact that the applicant is prone to such types of unusual behaviour towards the fair sex is also evident in the list of allegations addressed to the Minister for

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Railways made by the lady Secretary as in R-I. These allegations have not been rebutted by the applicant. We are, therefore, of the view that such allegations need to be looked into in an appropriate proceedings and that the presence of the applicant at the same place of his previous posting (i.e. Baroda House) may not at all be justified for reasons recorded in our order dated 9.9.97. That apart, the two reports of the then Chief Personnel Officer/Northern Railway, dating back to 1995, about the behaviour of the applicant does ^{not} augur well for the status of the post the applicant is holding. In disciplinary proceedings, ~~the~~ standard of proof required is that of preponderance of probability and not proof beyond reasonable doubt. From the totality of the circumstances, nobody can escape from the conclusion of there being something more than what the two eyes can see in their relationship. Similarly, the two press releases only bring about the stand of the respondents in respect of actions taken by them on two different occasions. The two releases are dissimilar on facts but similar in respect of clarifications needed.

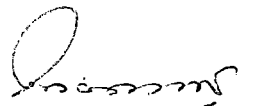
4. We are fully convinced after carefully glancing through the materials made available to us that our judgement with above remarks/observations do not call for a review on the grounds now advanced.

5. That apart, the review applicant also seeks modification of judgement as per his choice and also claims further reliefs which were not part of original

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application. Applicant has no authority to suggest or command what sort of judgement the tribunal is required to pass. The various points raised by the review applicant were already considered at the time of final hearing of the case before passing the order. The other points raised by the applicant are not germane to the main issue.

6. In view of what has been discussed above, the review application is summarily dismissed. There shall be no order as to cost.


(S.P. Biswas)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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