

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No. 259/1997

New Delhi this the 25th May, 2000

Hon'ble Sh. S.R. Adige, Vice Chairman (A)
Hon'ble Sh. Kuldip Singh, Member (J)

In the matter of:

Sh. P.N. Bajpai,
S/o Sh. M.N. Bajpai
working as Booking Clerk
Northern Railway,
R/o B-10/2, Krishna Nagar,
Delhi 110051

.....Applicant

(BY: Advocate Sh. S.K. Sawhney)

Vs.

1. Union of India through
General Manager
Northern Railway
Baroda House
New Delhi
2. Senior Divisional Commercial
Manager
Northern Railway
D.R.M. Office,
New Delhi.
3. Divisional Traffic Manager,
Northern Railway
D.R.M. Office
New Delhi

.....Respondents

(BY: Advocate Sh. Rajeev Bansal proxy for
Mr. B.K. Aggarwal)

ORDER (Oral)

Hon'ble Sh. S.R. Adige, V.C. (A)

Applicant impugned the disciplinary authority
order dated 4.6.91 (Annexure A-1) and appellate authority
order dated 30.1.96 (Annexure A-2).

2. Applicant was proceeded against vide charge memo
dated 22.3.90, (Annexure A-3) on the charge that while

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9

working as Senior Booking Clerk he demanded and accepted Rs 44/- from a decoy passenger for issuing one 2nd class MST (with identity card) from Ghaziabad to New Delhi, Railway Station via Shahadra against actual fare of Rs 41.50 and thus he over charged Rs 2.50 P. from him.

3. The Enquiry officer in his report, (Annexure A-3) held applicant guilty of the charges.
4. Copy of the enquiry report was furnished to applicant on 13.6.91 (Annexure A-4) for representation, if any.
5. Applicant submitted his representation, (Annexure A-5), on receipt of which after considering the material on record, the disciplinary authority by impugned order dated 4.6.91 imposed the penalty of reduction in pay for a period of 3 years with commulative effect.
6. In applicant's appeal which was disposed of after giving him a personal hearing, the appellate authority by impugned order dated 30.1.96 reduced the penalty to reduction of pay in the same scale by one stage for one year with commulative effect.
7. The first ground taken by applicant's counsel is that the impugned orders do not exhibit application of mind. Even a cursory glance at the impugned orders makes it clear that the disciplinary authority as well as the appellate authority have carefully considered the material on record, including the defence taken by the applicant before passing orders. Hence this ground is rejected.
8. The next ground taken is that the Vigilance Inspectors were not examined during the course of the deal. In the facts and circumstances of the case, it is

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clear that there was no need to examine the defence Inspectors, as the evidence led by the witnesses in the course of the proceedings against the applicant was more than sufficient to establish applicant's guilt.

9. Lastly it has been contended by applicant's counsel that in the E.O's report four 10 rupees notes and two 2 rupees notes were referred to, but in the disciplinary authority order five, 10 rupees notes and two 2 rupees notes have been mentioned. This can at most be called a typographic error and does not advance the case of the applicant.

10. No other grounds were advanced during hearing. In the light of the aforesaid, no good reasons have been made out to warrant interference of the O.A. It is accordingly dismissed. No costs.


(KULDIP SINGH)
Member (J)


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

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