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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

...

Registration O.A. No. 846 of 1987

P.C. Saxena Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Ms. Usha Savera, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Pleadings of this case are complete. Parties counsel are agreed, so we are going to dispose of this case finally with their consent.

2. The applicant at ~~the~~ relevant point of time was working as Ticket Collector. On 21.12.1985 while he was on duty at Jhelum Express ^{going} from Jhansi to Itarsi, a complaint was made by a passenger against the applicant that he has charged 20 Rs. extra money from the passenger for giving him a sleeper berth. The complaint was made to the Prime Minister. The vigilance enquiry was also made and the vigilance enquiry found him guilty thereafter the departmental enquiry proceeded. The applicant participated ~~in~~ the departmental enquiry. The enquiry officer came to the conclusion that the charge against the applicant was proved and the disciplinary authority acting on the report of the enquiry officer passed the punishment order of reduction to a lower post/grade, and has ordered that, "you are, therefore, reduced to the lower grade of TC in the scale of Rs. 950-1500 for a period of three years from the date of this order." Thereafter, he filed this application and it appears that an order for maintaining

of status-quo was passed by the Tribunal. During the pendency of this application, the applicant also offered himself for the higher promotional post in which he was selected but he was not given promotion in view of the fact that the status-quo order was prevailing.

3. The learned counsel for the applicant contended that the punishment is based on no evidence in as much as no enquiry proceeded and there is no evidence whatsoever, against the applicant to prove his guilt. After taking into consideration the totality of the circumstances and the complaint of the complainant who has no business to make a suchtype of complaint against a particular person, the enquiry officer came to the conclusion that the charge against him was proved.

4. Accordingly, we do not find any flaw in the finding so recorded by enquiry officer and the application against the punishment order has got to be dismissed. As the punishment period is over and the applicant has been selected for further promotion, there appears to be no reason why he shall not be given the promotional post and higher selection grade. The respondents shall give the applicant the next promotional post and the grade to which he is entitled. Both the Misc. Applications are also stand disposed of with this judgment. No order as to the costs.

A. Lawar
Member(A)

W
Vice-Chairman

Dated: 22.12.1992
(n.u.)