

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH NEW DELHI

Original Application No. 993 of 1987

Versus

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Ms. Usha Savara, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava, VC)

The applicant who was working as a Khalasi at Bikaner under S.I./D-I, was served with a charge-sheet dated 10.6.86. The charge against him was that the applicant was present at the platform on 4.6.1986 at about 16.55 hours, and the said Kishor Singh (Applicant) created a scene in front of RA-15 occupied by the Divisional Railway Manager, Bikaner shouting indiscriminately that he had not been granted the officiating allowance although he had officiated. The clerk of P Branch Udai Singh demands money unless his palm is greased he will not work. The junior employees are getting promotion by bribing and the seniors are ignored. Thus, the charge against him was that he failed to maintain absolute integrity, hence violated rule 3(i) (ii) and (iii) of the Railway Service Conduct Rules 1966.

2. According to the respondents, the applicant did not file any objection that's why the punishment of withholding the increment for three years has been awarded. The applicant filed a departmental appeal. The appeal authority dismissed the appeal saying that his reference has been considered point by point and there is no substance in the same. The applicant filed a review application. The review application was also dismissed on the ground that this fact stands substantiated. Whereafter, he has filed this application.

3. The learned counsel for the applicant contends

that although, he only protested and did not shout or levelled any charge against him and even if it was so, it was not a case of integrity, at the most it could be some other charge, but not of integrity, which has been levelled against him and he did file his defence statement which is evident from the appellate authority's order. The order passed by the appellate authority is not very clear as to whether it was in respect of the defence filed by the applicant which, it appears, was not received by the appellate authority in view of the facts that it was addressed by name and was returned by the postman. The review authority took into consideration the finding recorded in some connected case of which the applicant was not apprised of. Accordingly, the review order dated 15.2.1987 is quashed and the review authority is directed to consider the review application in the light as to whether the charge against the applicant could be under 3(i) (ii) and (iii) of the Railway Service Conduct Rules regarding integrity and without taking into consideration the finding recorded in any case. In case, the review authority comes to conclusion that the charge against the applicant is true, it will also be considered that whether such a charge, the quantum of punishment is not excessive or harsh. Let a decision be given by the review authority within a period of three months from the date of communication of this order. With these observations, the application is disposed of finally. No order as to costs.

H. Ravinder

Member (A)

L.

Vice-Chairman

Dated: 21.12.1992

(RKA)