

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI THE 18th DAY OF MARCH, 1994

HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

✓ OA No:3052/91

Shri Roshan Lal
S/o Shri Har Dayal
Substitute Loco Cleaner
under Locomotive
Northern Railway
Moradabad.

... Applicant

vs.

- Union of India through
1.The General Manager
Northern Railway
Baroda House
New Delhi
2.The Divisional Railway Manager
Northern Railway
Moradabad
3.The Assistant Mech.Engineer
Northern Railway
Moradabad

.. Respondents

OA-No:3054/91

Shri Ram Kumar
S/o Shri Sirdhar
Substitute Loco Cleaner
under Loco Foreman
Northern Railway
Moradabad

... Applicant

vs.

- Union of India through
1.The General Manager
Northern Railway
Baroda House
New Delhi.
2.The Divisional Railway Manager
Northern Railway
Moradabad
3.The Assistant Mechanical Engineer
Northern Railway
Moradabad

... Respondents

OA-No:3079/91

Shri Rajinder Kumar
S/o Shri Ujagar Lal
Substitute Loco Cleaner
Under Locomotive
Northern Railway
Moradabad

... Applicant

vs.

- Union of India through
1.The General Manager
Northern Railway
Baroda House,
New Delhi.
2.The Divisional Rly.Manager
Northern Railway
Moradabad.

3. The Assistant Mechanical Engineer
Northern Railway
Moradabad

... Respondents

APPLICANTS THROUGH SHRI B.S. MAINEE, COUNSEL

RESPONDENTS THROUGH SHRI RAJESH, COUNSEL

ORDER

JUSTICE S.K. DHANON:

The controversy raised in these original applications is similar. They have been heard together and, therefore, they are being disposed of by a common judgement.

2. Disciplinary proceedings have been initiated against the applicants. The charge is that they secured employment as Substitute Loco Cleaner by misrepresenting the fact that they were earlier employed as casual workers in the railways.

3. They came to this Tribunal with the prayer that the disciplinary proceedings may be quashed. One of grounds taken is that the proceedings under Rule 3 of the Railway Services (Conduct) Rules, 1966 are without jurisdiction as admittedly, the applicants did not commit any misconduct while in railway service. The alleged misconduct, if any, relates to the period anterior to their joining the service. By our judgement dated 18.3.94 in a bunch of three cases, the leading case being OA No. 3050/91, we have held that the proceedings under Rule 3 of the aforementioned Rules can be initiated.

4. In these cases, the letter of appointment issued to each of the applicants indicates that their previous working period had been verified by the concerning WLI.

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5. In OA No.3079/91, annexures I & II to the charge-sheet contain the list of documents upon which the charges have been framed. The document mentioned is:" PP-3 of the Personal file containing the remarks of IOW/Balamau endorsed by AEN/SPC on dated 8.9.1990.".

6. In OA No.3052/91 and OA No.3054/91, the only document relied upon by the respondents in support of the charge is the application form.

7. In OA No.2612/91 (Shri Ravinder Nath Pandey Vs.Union of India through the General Manager, Northern Railway & ors.) decided by this Tribunal on 6.9.1993, disciplinary proceedings under Rule 3 of the Railway Services(Conduct) Rules, 1966 had been initiated against the applicant. In that case, the charge was similar to the charge levelled against the applicants in these OAs. In that case too, the letter of appointment clearly stated that the previous working of Shri Ravinder Nath Pandey had been "verified by the concerning WLI." This Tribunal opined that it was incumbent on the respondents to divulge the basis on which the charge-sheet was issued and to clearly indicate the documents on which they relied upon. The charge-sheet should have also indicated the list of witnesses to be examined including the authority that had certified the period of prior working of the applicant with the respondents. In absence of these specifics, the Tribunal felt that the charge-sheet was vague. It, therefore, set aside and quashed the charge-sheet. It however, made it clear that the the respondents shall be at liberty to issue a fresh charge-sheet based on the material, according to which they had come to the inference that the applicant had manipulated

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the period of employment and defrauded the respondents by showing the certificate of his prior employment for the purpose of securing employment as a Substitute Loco Cleaner.

8. We find no reason to take a different view from the one taken by a Bench of this Tribunal in the aforementioned OA No.2612/91. We accordingly allow all these applications and quash the charge-sheets issued to the applicants. However, we make it clear that it will be open to the respondents to initiate fresh proceedings against the applicants in accordance with the directions given by this Tribunal in OA No.2612/91.

9. There shall be no order as to costs.

B.N.D. 12.7.91
(B.N.DHOUNDIYAL)
MEMBER(A)

YK
(S.K.DHAON)
VICE-CHAIRMAN(J)

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