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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2377/92

New Delhi: this the 23rd December, 1997.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri P. R. Singh,
S/o Shri Harkesh Singh,
Last employed as Sr. Parcel Clerk,
Northern Railway,
Shimla.
R/o Jagjit Nagar,
Post Office Wali Gali,
New Usmanpur, Delhi - 110053 Applicant.

(By Advocate: Shri S. K. Sawhney)

Versus

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Divisional Commercial Supdt.,
DRM Office,
New Delhi.

3. Senior Divnl. Commercial Supdt.,
Northern Railway,
Ambala Division, Ambala.

4. Additional Divisional Railway Manager,
Northern Railway,
Divisional Office,
Ambala Respondents.

(By Advocate: Shri N. K. Agarwal)

JUDGMENT

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

Applicant impugns the Disciplinary Authority's order dated 4.5.87 (Annexure-A1); the appellate order dated 22.11.91 (Annexure-A2) and the revision order dated 9.3.92 (Annexure-A3).

2. Applicant was proceeded against departmentally on the charge that while working as Parcel Clerk from 7 to 15 hrs. on 19.10.85 at New Delhi Railway Station,

i) he failed to declare his private cash before coming on duty;

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(11)

ii) An unaccounted amount of Rs.80-50 and Rs.50/- in piecemeal was recovered from his possession.

iii) He accepted Rs.275/- as illegal gratification from one Shri Amrik Singh whose consignment, was loaded out of priority.

3. The Enquiry Officer in his findings (Ann.-A-4A) held charge (i) as not proved; charge (ii) and charge (iii) as proved.

4. By his impugned order dated 4.8.97 the Disciplinary Authority while enclosing a copy of the Enquiry Report, accepted the findings contained therein and imposed the penalty of removal from service. Applicant thereupon filed appeal dated 25.5.87 which was rejected on 10.6.87 and his revision petition was likewise rejected.

5. Thereupon applicant filed OA No.2298/88 which was disposed of by judgment dated 6.6.91. By that judgment, as the appellate order and revision order were held to be non-speaking orders, the same were quashed and set aside and the matter was remitted back to the appellate authority to consider the various contentions raised by the applicant in his appeal dated 25.5.87 and pass an appropriate speaking order within 2 months, after giving applicant an opportunity for personal hearing, if so desired, with liberty given to applicant to file first application, if any grievance survived thereafter.

6. Accordingly the appellate authority passed the appellate order afresh on 22.11.91, and reviewing authority also passed orders on 9.3.92

(Annexure-A3) which are now impugned.

7. We have heard Shri Sawhney for the applicant and Shri N.K. Agarwal for respondents, and have also perused the grounds taken by the applicant in this OA.

8. We notice that the Enquiry Officer in his report has stated that "moreover the charged officer himself has noted down the denomination of Rs.275/- which were produced by him in Ex.-P1 and has confessed having accepted Rs.275/- without any pressure from trap party. The C.O. has not refuted his statement vide Ex.-P1." In the light of the aforesaid confessional statement made by applicant before the E.O., which applicant does not deny having made in his appeal dated 25.5.87, nor indeed in the present OA, it is clear that the applicant has himself confessed to having accepted the Rs.275/- as illegal gratification. In the light of the above, none of the grounds taken by the applicant warrant judicial interference in this matter.

9. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)

MEMBER(J)

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(S.R. ADIGE)

VICE CHAIRMAN(A).

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