

Central Administrative Tribunal
Principal Bench

O.A. No. 2231 of 1993

(9)

New Delhi, dated this the 15th July, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. P.C. Kannan, Member (J)

Shri Brahm Dutt,
Ticket Collector,
Northern Railway,
Railway Station,
Delhi.

... Applicant

(None appeared)

Versus

Union of India through

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

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

3. The Chief Commercial Manager (G),
Northern Railway,
Baroda House,
New Delhi. ... Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

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

Applicant impugns Respondents' order dated 14.2.91 (Ann. A-1); 29.8.91 (Ann. A-2) and 23.4.93 (Ann. A-3) and prays for reinstatement with grant of consequential benefits with backwages.

2. Applicant was proceeded against departmentally on the charge that he in connivance with one Shri Narinder Kumar, Ticket Collector who was on duty at Gate No.6 of Delhi Railway station

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had dishonestly demanded and accepted an illegal gratification of Rs.20/- from ~~the~~ ^{a 1} decoy passenger for allowing him to take unbooked luggage through the gate and shared the same with Shri Narinder Kumar.

3. It was also alleged that applicant was found manning Gate No.6 much before his duty time and he declared the inflated private cash of Rs.10/- in the private cash declaration register.

4. The I.O. held the charge against applicant as proved on the basis of preponderance of probability. Accepting the I.O's report, the Disciplinary Authority in his order dated 11/90 (Ann. A-1) imposed the punishment of dismissal from service which was upheld by Appellate Authority vide his order dated 29.8.91 (Ann. A-2), ~~On~~ ^{Thereupon} a revision petition filed by applicant the Revisional Authority in his order dated 23.4.93 (Ann. A-3) for the reasons made out in the aforesaid order, concluded that the charge levelled against applicant could not be substantiated and gave him the benefit of doubt. ~~Further~~, the R.A. ^{then} went on to reduce the punishment from that of dismissal to one of reduction in the initial grade for a period three years.

5. None appeared on behalf of applicants when the case was called out. Shri R.P. Aggarwal appeared for respondents and has been heard.

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6. We note that applicant in his O.A. has taken various grounds, one of which is that when the Revisional Authority held that the charges against him could not be substantiated no punishment could be awarded against him.

7. In reply to that ground the Respondents contended that the Revisional Authority only decided to give the benefit of doubt to the applicant but did not exonerate him completely.

8. The relevant Para of the Revisional Authority's order clearly states "in view of the above, the charges levelled against Shri Brahm Dutt cannot be substantiated, and benefit of doubt goes to him."

9. If the charges against could not be substantiated as held by the Revisional Authority, and the benefit of doubt goes to him, manifestly no punishment can be imposed on the applicant.

10. In the result the O.A. succeeds and is allowed to the extent that the impugned orders are quashed and set aside. Respondents are directed to restore applicant's reduced pay within three months from the date of receipt of a copy of this order. ^{h/11^} Applicant be entitled to the consequential benefits, if any flowing therefrom. No costs.

P. Kannan
(P.C. Kannan)
Member (J)
/GK/

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