

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 24th day of AUGUST 2004.

Original Application no. 924 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. D.R. Tiwari, Administrative Member

Jaspal Singh, S/o late Joginder Singh,
R/o Quarter No. H. 297-B, Railway Harthala Colony,
Moradabad.

... Applicant

By Adv : Sri A.K. Srivastava

V E R S U S

1. The Union of India through General Manager,
Northern Railway, Baroda House,
NEW DELHI.
2. Divisional Railway Manager,
Northern Railway Moradabad,
MORADABAD.
3. Senior Divisional Commercial Manager,
Northern Railway, Moradabad Division,
MORADABAD.
4. Senior Divisional Personnel Officer,
Northern Railway, Moradabad Division,
MORADABAD.
5. Roop Narain Meena,
Senior Divisional Safety Officer,
Northern Railway, Moradabad Division,
MORADABAD.

..... Respondents

By Adv : Sri A.K. Gaur



....2/-

2.

ORDER

Hon'ble Mr. Justice S.R. Singh, VC.

Heard Sri A.K. Srivastava, learned counsel for the applicant and Sri A.K. Gaur, learned counsel for the respondents.

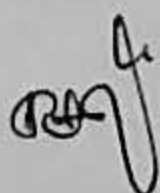
2. By means of this OA, instituted under section 19 of the A.T. Act, 1985, the applicant has prayed for quashing of charge memo dated 09.08.2004, whereby the following articles of charge² have been framed against the applicant, as per annexure 1 to the charge memo aforesaid :-

"Statement of articles of charge framed against
shri Jaspal Singh, Incharge, Non receipt cell,
Moradabad now O.D.I./Tickets/N.R./MB.

Shri Jaspal Singh, O.D.I./Tickets/Northern Railway, Moradabad while posted and functioning as Incharge Non receipt Cell, Northern Railway, Moradabad during the month of March 2003 failed to maintain absolute integrity, exhibited lack of devotion to duty and acted in a manner unbecoming of a Railway Servant in as much as he on 03.3.2003 submitted a letter titled as "reminder" addressed to the Sr. DCM/MB, Moradabad requesting for his posting in Parcel Supervisor or Booking Supervisor cadre deliberately on the false assertion that his representation was not considered for his posting at Moradabad during the periodical transfer for the year 2003, whereas no such request was pending or under consideration before the Sr. DCM/M Moradabad as Shri Jaspal Singh had not given any such representation.

That Shri Jaspal Singh aforesaid intentionally lodged a false complaint against Sri R.N. Meena, alleging that Shri R.N. Meena had demanded of Rs. 10,000/- from him for posting him as Parcel Supervisor/Booking Supervisor and on negotiation reduced the amount of bribe to Rs. 8,000/- consequently CBI registered a case and laid a trap against Shri Meena.

...3/-



3.

By the above acts of omission and commission Shri Jaspal Singh, Incharge, Non receipt cell, Moradabad now O.D.I./Tickets/N.R./MB failed to maintain absolute integrity, exhibited lack of devotion to duty and acted in a manner unbecoming of a Railway servant, thereby contravened the provision of Rule No. 3-1 (i), (ii) and (iii) of Railway Services Conduct Rules - 1966.

Sd/-
(Abhijit Narendra)
Sr. Divl. Commercial Manager
Northern Railway
Moradabad
(Disciplinary Authority)"

3. It is submitted by the applicant's counsel that though the CBI has submitted ²his final report in the matter of complaint made against Sri R.N. Meena about demand of illegal gratification, the applicant has filed a protest petition and the final report has not yet been accepted by the concerned Magistrate. In the circumstances, it is submitted by the learned counsel for the applicant that the respondents are not justified in initiating the Disciplinary Proceedings against the applicant.

4. Having heard the learned counsel for the parties, we are of the considered view that the applicant has failed to make out ^{any} grounds for interference by this Tribunal at this stage. It is well settled that interference in the disciplinary proceedings at the threshold of it is not permissible except on limited grounds such as lack of jurisdiction etc. No such ground in this case is made out and, therefore, we are not persuaded to entertain this OA against the disciplinary proceedings initiated against the applicant by means of impugned chargememo.

Regd

...4/-

4.

5. In view of the above discussion the OA is dismissed without prejudice to the right of the applicant to raise² all the plea² taken in this OA before the ~~Appellate~~^{Disciplinary} Authority.

6. There shall be no order as to costs.

Ddeim
Member-A

Reg
Vice-Chairman

/pc/