

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

(1) T.A. 743/87
(Writ Petition 14596 of 81)

Prem Chand Soni

Petitioner.

versus

Union of India & ors.

Respondents.

(2) T A. No. 751/87
(writ petition 14594/81)

Dev Prakash Gupta

Petitioner.

versus

Union of India & ors.

Respondents.

(3) T.A. 752/87
(Writ Petition No. 14595 of 81)

Pawan Kumar Singh

Petitioner

versus

Union of India & ors.

Respondents.

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

Hon. Mr. A.B.Gorthi, Adm. Member.

(Hon. Mr. Justice U.C.S., V.C.)

Since a common question of law and facts is involved in all the above three cases, the same are being disposed of by this common judgment.

2. The applicants/petitioners are railway employees who were appointed on different dates. At the relevant time the petitioners were posted at Tundala in different capacities. It appears that one Dr. H.K.Srivastava, Additional Divisional Medical Officer, Northern Railway, Tundala, while he was on duty on 19.8.81, 15 to 20 persons enquired about the dead child who was admitted at 6.20 A.M. and expired at 8.00 A.M.. The doctor asked them to sit down and talk about the said matter. He was

physically assaulted and there was every apprehension and he ^{was} given a severe beating which could have resulted in his death. Thereafter, the glass kept on the table was lifted and they wanted to hit ^{him on} ~~it~~ at his head. Immediately the doctor concealed himself below the table and one Rashid came to intervene and thereafter doctor caught hold of a few and recognized some of them. All the above three applicants were among them. All the facts find place in the F.I.R. lodged by the doctor. Thereafter, the disciplinary proceedings started and have gone so high that the disciplinary authority held that it was not reasonably practicable to hold enquiry under Rule 14(ii) of the Railway Servants (Discipline & Appeal) Rules, 1968. The disciplinary enquiry was dispensed with and the petitioners were dismissed. The petitioners filed appeals. During the pendency of the appeals the same were amended. The appeals were dismissed.

3. Learned counsel for the applicants contended that there was no reason to dispense with the enquiry. It was incumbent to record reasons for dispensing with the enquiry and reasons not having been recorded the dismissal order is vitiated. The learned counsel for the Railway Administration Shri K.N. Kumar contended that the crime committed by the applicant^s in fact was a heinous crime; the applicants ^{went} out of their way and in case there had not been intervention, the doctor would have been killed by the employees of the department and when there was no likelihood of ~~of~~ taking evidence and the disciplinary authority was fully satisfied to record that the enquiry was not reasonably practicable.

W/

May it be, the reasons must ~~be on~~ have been record. In fact the reasons having been not recorded, Rule 14(ii) has been violated. This vitiates the enquiry. The application is allowed and ~~be on~~, the order of dismissal dated 20.8.81 as well as the appellate order is quashed. The disciplinary authority can proceed with the enquiry after giving the opportunity to the applicant.

4. Let a copy of each of this order be kept on each of the above files.

transcript

Adm. Member (A)

u
Vice Chairman.

Shakeel/

Allahabad Dated: 16.5.91