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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH .

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Registration O.A. No. 549 of 1987

Mohd Hussain Applicant.

Versus

D.C.S., Norther Eastern Railway
Lucknow and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

At the relevant point of time, the ^{applicant was} working as Travelling Ticket Examiner (TTE) in North Eastern Railway, Lucknow. On 3.1.1986 in Train 116 Up Gorakhpur Bombay Express, the applicant was incharge of III-tier sleeper coach on that train. It appears that some sort of complaint was made by one foreigner. This complaint was against the applicant for excess charge of Rs. 18/- from him. On the basis of that very complaint, a preliminary enquiry took place against the applicant. The complainant being a foreigner, the action has been taken against the applicant under Rule 14(ii) of the Discipline and Appeal Rules, 1968. The applicant was found guilty by the disciplinary authority and thereafter, he was removed from service.

2. The applicant filed an appeal on 21.3.1986 before the Sr. D.C.S. North Easter Railway, Lucknow and the appellate authority taking into consideration the pleas raised by the applicant as well as the plea taken by the applicant that he has 4 daughters and 2 sons, though he is removed from service, ^{partly} allowed the appeal of the applicant and set aside the removal order but reduced him to ^{lower} his rank. Thereafter, the applicant has approached ~~to~~ this Tribunal by means of this application.

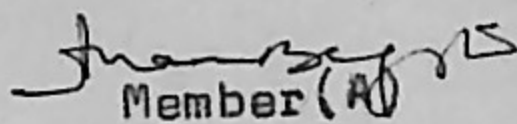
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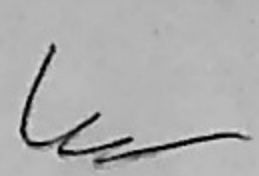
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The applicant has not ^{been} given any opportunity for contesting his case, and by the order dated 17.3.1986, the applicant was removed from service. The penalty imposed ~~against~~ ^{against} the applicant and the punishment given to the applicant is very harsh.

3. Accordingly, the punishment order passed against the applicant is set aside. The application is allowed and both the orders dated 10.6.1986 and 24.3.1986 ^{are} ~~is~~ quashed. However, it is open to the respondents to hold enquiry against the applicant in accordance with law. The application is disposed of with the above terms. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 26.11.1991
(n.u.)