

(MF)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

O.A. No. 1381/1988

R.N.Tewari

(S)
Applicant

VERSUS

Union of India & others

Respondents.

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

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

(Hon. Mr. Justice U.C. Srivastava, VC)

The applicant who was a Senior Clerk in the Railways and was officiating as Assistant Superintendent was suspended and was chargesheeted by the disciplinary authority. The charge against him was that while observing the Quami Ekta week celebration from 19th to 20th November, 1986, the letter which was sent in EMC section on 1.10.86 but no action was taken to circulate and even put up this paper, ^{but} ~~and~~ kept the letter within his/group for the period from 17.10.86 to 12.11.86 when GPO rang DRM and wanted to have position in this regard. This was important matter of national policy and must have been received with top most attention in this supervising capacity. He thus acted in a manner which is unbecoming of Railway Servants thereby contravening rule 3(10 II and III) of Railway Services Conduct Rules, 1966,

2. The applicant submitted his reply disputing the charge. The enquiry officer was appointed who submitted his report to the disciplinary authority. The grievance of the applicant is that the applicant was not given reasonable opportunity. The enquiry was nothing but complete negation of the provisions of Rule 9 of D&AR 1968), he was not given the opportunity to cross examine

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6

the witnesses whose names were mentioned in the enquiry proceedings and even the main witness was not cross-examined and the procedure provided under rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968 was violated. The orders passed on the finding of the enquiry are bound to be vitiated. The applicant was punished ~~for~~^{with} a penalty of reduction to lower grade i.e Sr.Clerk in the scale of 1200-2040 for a period of three years. The appeal against the same was dismissed. The applicant thereafter filed a revision before the General Manager and revisional authority reduced the punishment. He was reverted by reducing in ~~the~~ grade for a period of one year instead of ~~one~~ years. The charge levelled was not covered by Rule 3(3) under which he was chargesheeted of having committed misconduct. ~~In~~ Such minor matter the penalty like censure was not covered by rules. Accordingly, this application deserves to ~~be~~ quashed on that the principles of natural justice ~~have~~ been violated. No further relief ~~was~~ can be granted to the applicant who has been retired. The applicant will be entitled to consequential benefits in view of any punishment order which subsists against him. Annexure 13 i.e. the order dated 21.7.88 and Annexure 14 the order dated 14.9.88 are quashed.

Jha
A.M.

L
V.C.

Allahabad Dated: 13.9.91