

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 447 of 1994

Allahabad this the 10th day of July, 2001

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr.S.K.I. Naqvi, Member (RJ)

Pramod Kumar Srivastava, aged about 43 years, S/o Shri S.P. Verma, R/o Railway Quarter No.657-B, Loco Colony, Allahabad.

Applicant

By Advocate Shri Sudhir Kumar

Versus

1. Union of India through the General Manager, Northern Railway, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Senior Divisional Commercial Manager, Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Gaur.

O_R_D_E_R (Oral)

By Hon'ble Mr.S. Dayal, Member (A)

This application has been filed for setting aside the order reducing the penalty period from three years to two years. The case of the applicant is that he joined the Group 'C' post on his promotion from Group 'D' in the scale of Rs.950-1500 w.e.f. June 1st, 1979. He was promoted to the scale of Rs.1200-2040 (as revised by the Fourth Pay Commission) in the year 1980. He was served with a charge sheet on 01.06.1989

alleging that he had unauthorisedly got reserved one berth on the basis of his duty card pass and had misutilised the berth against illegal gratification in 1987. The applicant has claimed that no evidence was produced by the vigilance authorities ~~and~~ that his berth was occupied by any unauthorised passenger. He has also stated that quantum of punishment was excessive and harsh. He also pleads that the applicant had been punished under Sub Rule (iv), (v) & (vi) of Rule 6 of R.S.(D&A) Rules, 1968, and has been subjected to double jeopardy. It is also contended that he had been punished heavily in comparison to other delinquents with similar delinquencies.

2. We have heard Shri Sudhir Kumar and Shri M.K. Sharma brief holder to Shri A.K. Gaur, counsel for the respondents.

3. We find from annexure A-3 that the applicant was charge-sheeted ~~with~~ for serious misconduct in securing reservation of 3 tier sleeper berth in his name and in the name of Shri G.I. Arif, Shri B.N. Choudhary and Shri O.P. Srivastava on different dates quoting fake card pass numbers, by using influence as T.T.E. on the reservation clerks without producing the relevant card passes physically. The applicant has been charged with the allegation of securing the reservation with the intention to carry unauthorised passengers on the berths himself and in collusion with other T.T.Es who would be manning the coaches in which accommodations be provided. He is also charged for carrying unauthorised passengers on the berths 7 and 72 reserved in the name of Shri G.I. Arif and Shri O.P.- Srivastava, on 10.11.87.

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It is mentioned that the applicant had confessed his guilt and findings of the Inquiry Officer were also against the applicant, which were accepted and the order of punishment of removal of service was passed. The appellate authority considered the appeal of the applicant and observed that the charges against the applicant were based on findings of independent vigilance checks and had been proved during the inquiry. A lenient view was taken in the case of applicant by the appellate authority on the consideration that the applicant was the only earning member to support the family of 8 members. Therefore, the punishment was reduced to reservation the grade of Rs.950-1500 for a period of 3 years. The applicant's revision application was decided by the competent authority after giving him personal hearing. It has been mentioned that the case of Shri Arif had not been finalised and again taking a lenient view, punishment in the case of the applicant was reduced from 3 to 2 years by order dated 12.2.1993.

4. Learned counsel for the applicant had claimed commonality with the case of Shri G.I. Arif. We do not have either inquiry report or order in the case of Shri G.I. Arif to verify whether any discriminatory treatment has been done with the applicant. We, however, find from the pleadings on record that the applicant has been given a fair treatment as far as the misconduct for which he was charged and the nature of evidence and findings in his case are concerned. We, therefore, dismiss the O.A. No cost.

S. C. Mehta
Member (J)

H. A. George
Member (A)