

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.594/2000

WENESDAY, THIS THE 11TH DAY OF SEPTEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. S. DAYAL, A.M.

Alok Kumar Srivastava
S/o Sri S.N. Lal Srivastava,
R/o 37/42 Purshottam Nagar,
Khuldabad, Allahabad. Applicant

(By Advocate Shri A.K. Srivastava)

Versus

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Divisional Rail Manager
Northern Railway,
Allahabad- Division
Allahabad.
3. Divisional Commercial Manager,
Northern Railway, Allahabad-Division,
Allahabad. Respondents

(By Advocate Shri A.K. Gaur)

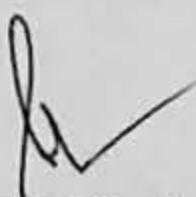
ORDER

BY HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

By this O.A. under Section 19 of Administrative Tribunals Act 1985, the applicant has prayed to quash the memo of charge dated 16.01.99 filed as annexure-1. From the memo of charge it appears that the charge against the applicant was that he was serving as Ticket Collector at Allahabad on 18.12.98. He collected A.C. First Class Ticket Train No. 2391 UP for the value of Rs.3526/-.. After collecting Ticket, he filed an application for cancellation of the ticket and got the amount refunded under his signature. The amount refunded was Rs.2644/-.. For this charge the enquiry has been completed and enquiry report has been submitted, copy of which has been filed (Annexure-1 to the CA). The learned counsel for the applicant has submitted that the witnesses do not support the case of the department against the applicant. It is also submitted

that the complainant has filed affidavit. Reliance has also been placed on the judgement of Chief Judicial Magistrate dated 14.12.2000 in which the applicant had been acquitted for the offences ^{under Sections} 403 and 420 IPC. After hearing counsel for the applicant we are not satisfied that any interference is required by this Tribunal at this stage. It is open to applicant to file all these materials before the Disciplinary authority alongwith his explanation submitted ^{against} ~~alongwith~~ the enquiry report which shall be considered and then order shall be passed in accordance with law. Interference at this interlocutory stage is not justified in ~~this~~ manner.

2. The O.A. is dismissed with no order as to costs.


Member-A
Vice-Chairman

/Neelam/