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M/s. B.K.Mohanty,
Bibek Mohanty,
S.S.Mohanty, Advocates ...

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yes.
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J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the order of punishment passed against him by the competent authority and prays in this application to quash the punishment imposed on him and exonerate him of the charges.

2. Succinctly stated, the case of the applicant is that he is a Train Ticket Collector and at the relevant time he was posted at Khurda Road. While the applicant was discharging his duties at Khurda Road, the Divisional Commercial Superintendent, Khurda Road, caught hold of a person who was not in possession of a ticket. The Divisional Commercial Superintendent directed the applicant to realise the dues from the said person who had been caught hold by the Divisional Commercial Superintendent. So saying the Divisional Commercial Superintendent left for some other place and after the applicant made enquiry, he found that the person who had been caught was a wagon porter of the Railways and therefore the applicant did not feel inclined to realise any amount from the concerned person for travelling in the train. The applicant then approached the Head Ticket Collector for excuse^{ing} the person who had been caught. The Head Ticket Collector declined to extend his helping hand because orders had been passed to realise the dues from the person concerned. Thereafter the applicant searched for the Divisional Commercial Superintendent who was found in a certain place in the platform and the applicant represented to the Divisional Commercial Superintendent

that the person concerned was not travelling in any train and therefore he cannot be held to be a ticketless traveller. As soon as the applicant said so, it is alleged that the Divisional Commercial Superintendent told the applicant that "Am I the father of any body so as to excuse him?". Thereafter it is alleged that the applicant in equal terms retorted to the Divisional Commercial Superintendent and explanation was called for by the Divisional Commercial Superintendent and ultimately charges were framed against the applicant on two counts namely, (i) he had misbehaved with his higher authority i.e. Divisional Commercial Superintendent; and (ii) had disobeyed the orders of the Divisional Commercial Superintendent and obstructed him in discharging his duties. A disciplinary proceeding was initiated against the applicant on the above two charges and the Enquiring Officer found charge no. (ii) to have been not proved and he ^{also} held that charge No. (i) had been proved. The Disciplinary authority concurred with the findings of the Enquiring Officer and directed stoppage of increment of the applicant for a year when he had reached the scale of Rs. 590-610/-. Being aggrieved by this order the applicant has filed the present application.

3. In their counter the Respondents have maintained that no illegality having been committed during the course of enquiry and all reasonable opportunity having been given to the delinquent officer to adequately and effectively defend himself, the impugned order should not be unsettled and the petition is liable to be dismissed.

4. Mr. B.K. Mohanty, learned counsel for the applicant took us through the enquiry report. While dealing with Charge no. (i) the Enquiring Officer says, "Though Shri Sharma's behaviour was circumstantial ^{he is} guilty of the charges". We are unable to make out what learned Enquiring Officer meant by saying that the behaviour of Shri Sharma was circumstantial (Emphasis is our own)

Mr. Ashok Mohanty, learned counsel appearing for the Railway Administration contended that the Enquiring Officer meant that according to the circumstance prevalent at the time in question Shri Sharma behaved in a manner for which he is found to be guilty. Ofcourse this interpretation of Mr. Ashok Mohanty may be acceptable but law is well settled that in the case of quasi judicial nature, the findings of the Enquiring Officer as a disciplinary authority must be specific and pointed. We cannot read into the words used by the Enquiring Officer and make our own interpretation either to support or to reject its report. The words used cannot be permitted to be of vague nature which would be open to controversial interpretation. Even if Mr. Ashok Mohanty's contention is accepted, yet it cannot be said that the Enquiring Officer had categorically found the applicant to be guilty of charge no. (i). Another infirmity which is glaringly visible to us is that the Enquiring Officer has not made a detailed discussion of the evidence and has not entered upon the detailed analysis of the evidence on record so as to arrive at a just conclusion after narrating the facts on the basis of which the department ~~made~~ ^{has} to stand its case. Learned Enquiring Officer abruptly comes to the conclusion

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that the applicant is guilty of the charge though the applicant's behaviour was circumstantial. This abrupt conclusion of the enquiry by the learned Enquiring Officer leads us to think that the Enquiring Officer has not applied his mind to the evidence of the case and therefore we are of firm view that this is a case of no evidence and having come to the conclusion that this is a case of no evidence we would hold that the impugned order is not sustainable. Despite the ^{stiff opposition} ~~said position~~ put forth by learned counsel Mr. Ashok Mohanty, we are unable to agree with him that the conclusion arrived at by learned Enquiring Officer is according to law and therefore we would hereby set aside the impugned order of punishment passed against the applicant and exonerate him of charge no. (i).

5. Thus, this application stands allowed leaving the parties to bear their own costs.



B.R. PATEL, VICE-CHAIRMAN,

9 agree.

[Signature]
22.4.87
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Member (Judicial)

[Signature]
22.4.87
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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 22, 1987/S. Sarangi.