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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 03/2006

DATE OF ORDER: 08.03.2007

CORAM:

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

Bhawani Singh S/o Sh. Bhoor Singh, aged 47 years, by caste Rajput, Resident of Sector 21-E/364, Chopasni Housing Board, Jodhpur.

...Applicant.

Miss. Anamika Purohit, counsel for applicant.

VERSUS



1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Senior Divisional Railway Manager, North Western Railway, Jodhpur.
3. Divisional Commercial Manager, North Western Railway, Jodhpur.
4. Asstt. Commercial Manager, North Western Railway, Jodhpur.

.....Respondents.

Mr. Manoj Bhandari, counsel for respondents.

ORDER

[per Hon'ble Mr. Kuldip Singh, Vice Chairman]

The applicant has been proceeded departmentally when he was issued a charge-sheet for minor penalty on the allegations that while Shri Bhawani Singh, STTE//Ju was detailed on 11.04.2004 at 18.25 hrs and was manning coach No. S-9 & S-10 in train No. 2308 between Kharia & Jaipur stations was subjected to vigilance check and detected to have committed the following irregularities:-

"that Shri Bhawani Singh STTE/JU is responsible for not regularising (2) passengers found travelling in his assigned coach S-10, birth No. 1 & 69 against II M/E ticket Ex Ju to Jp without paying the difference of fare Rs. 176/-



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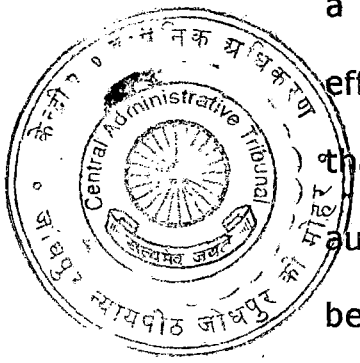

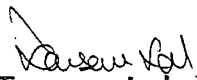
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from IIM/E to sleeper class till vigilance check. The above two passengers were regularised through him & collected difference of fare during vigilance check. Thereby he failed to regularise them till vigilance check.

By the above act of omissions & commissions Shri Bhawani Singh STTE/Ju failed to maintain absolute integrity & devotion to duty thereby contravened Rule 3 (1) (i) (ii) of Railway Service Conduct Rule 1966."

2. The applicant was called upon to give his explanation. The explanation was submitted vide Annexure A/7. The said explanation was considered. After considering the explanation, the disciplinary authority found the applicant guilty and awarded a penalty of withholding of one increment without cumulative effect. The applicant has challenged the same on the ground that order passed by the disciplinary authority and the appellate authority deserves to be quashed and set aside as the same has been passed in total disregard of the principles of natural justice. In this regard, we may mention that in this case, the disciplinary authority asked his explanation and the said authority after considering the case, has passed the order. The principle of natural justice requires that only the explanation be asked from the delinquent charged officer where only minor penalty is proposed. Since the explanation given by the applicant has been duly considered, we do not find that there is violation of any principle of natural justice. Since the order has been passed by following the proper and appropriate procedure, we do not find any ground to intervene in this case. The O.A. is dismissed accordingly. No costs.

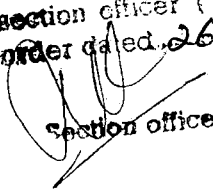



(Tarsem Lal)
Administrative Member


(Kuldip Singh)
Vice Chairman

2/c
Q. J. J. J. J. J.
13/3/07
for Mr. N. N. N. N. N.

Copy of Judgment
Dt 8-3-07 sent to
Applicant By Regd Speed
Post. vide No 61
Dt 21.3.07

Part II and III destroyed
in my presence on 02-6-14
under the supervision of
section officer (1) as per
order dated 26-7-14.


Section officer (Record)