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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**O.A.No. 194 of 2010.
JODHPUR THIS IS THE 19th DAY OF AUGUST, 2010.**

CORAM:

HON'BLE DR. K.B.SURESH, MEMBER (J)

Brij Mohan Swaroop S/o Late Shri Ram Swaroop, by caste Jatav, aged about 59 years, Resident of T 176 C, D.S. Colony, Jodhpur (Post – Chief Reservation Supervisor at Jodhpur, North Western Railway, Jodhpur).

.....**Applicant.**

[Mr. Sukhesh Bhati, Advocate, for applicant]

Vs.

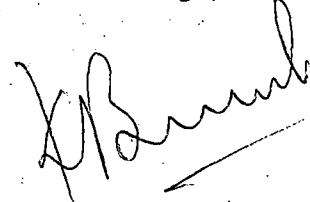
- 1- Union of India through the General Manager, North Western Railway, Jaipur.
- 2- The Senior Divisional Personnel Officer, North Western Railway, Jodhpur.

.....**Respondents.**

[Mr. Kamal Dave, Advocate, for respondents].

**ORDER
{BY THE COURT}**

This matter is connected to OA No. 111/2010 wherein, the applicant here who is the applicant therein, had contested the suspension which was imposed on him on the ground that he had accepted Rs. 700/- as a bribe from an unauthorized agent for ticket, who is operating in the Railway. Apparently, the said person had filed a complaint with the CBI to the effect that applicant had demanded bribe from him for issuing tickets. Apparently, the complaint was to the effect that the applicant, who was the Chief Reservation Supervisor, North Western Railway, Jodhpur, had been demanding a illegal gratification from the complainant for facilitating him in the booking of



Railway ticket on commission basis. Apparently, the Railways had not appointed the original complainant as an agent. The booking of the tickets are done on the Computer Net-work and, therefore, according to the applicant, it is next to impossible to interpose any other passenger in-between so as to provide a special benefit to anybody. The booking time and the methodology of booking is available in the concerned Web-site itself and, therefore, no reservation supervisor can afford a special benefit to anybody. Besides, it is pointed-out by the applicant that booking is done by the counter clerk which is being supervised by another Supervisor and the applicant is only the third tier in the hierarchy of supervision being the Chief Reservation Supervisor. A person coming to book tickets has no contact with him in the normal course. The applicant's case is that he had preferred a complaint against his co-workers who were having better tie-up with the Railway Unions and they have vowed to finish him off and the suspension against him as well as the other actions which follow including the transfer at the verge of his retirement, were only actions in revenge and not actuated by any public policy or public benefit. The respondents' would maintain that in a case taken-up by the C.B.I., they had apparently caught the applicant red-handed with Rs. 700/- and these currency notes were chemically treated and this was, according to the CBI, found-out on an examination. It is said that the CBI had also, as part of the trap, given the complainant-informant a tap-recorder by which the conversation between the complainant and the applicant was also recorded. The applicant had given a version that the tape recorder contains the



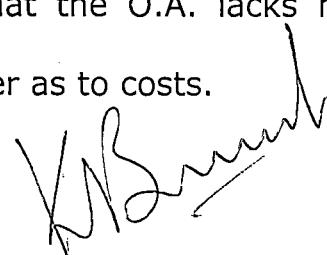
conversation to the effect that the money was being taken by the applicant for the purpose of purchase of goods from the canteen which apparently, he had agreed to do for the complainant and none-else. I had gone through the CBI file which is produced by the respondents and apparently the file do not disclose much relating to the methodology of purchase of tickets but, having gone through the version of transcription of tape-recorder, it is not fully so as the applicant would claim. The applicant would say that daily the complainant is being benefited to the tune of 500-600 rupees through him and not paying any money to him. At one portion, he says that if not Rs. 1000/- Rs. 500/- should be paid to him. Further, at another portion, he says that there are certain things which he wants to purchase, therefore, if the applicant wanted to purchase things the complainant would not give him any money, therefore, the applicant's story that the complainant had given him some money and by using that money the applicant can purchase some goods from the canteen, does not appear really probable. But, since a Criminal case has already been registered and is pending trial, I do not propose to say anything on this.

2- The learned counsel for the respondents would canvass a view that the Railway is duty bound to have purity in its administration and even though, the applicant is nearer to his superannuation, he had to be shifted else where in public interest following the need for enhancement of integrity in the Organization, therefore, they would say that the transfer of the applicant to Barmer, is on compelling public need. In the totality



of the circumstances, I do not think that the Railways have erred much. To avoid prejudice to the applicant, who may face a criminal trial, further discussions need not be essential as he has only six months' left to serve the Railways and Barmer, where the applicant has been transferred vide order dated 16th July, 2010 (Annex.A/1), is only two hundred kms. away from Jodhpur, therefore, I hold that the O.A. lacks merit and it is hereby dismissed with no order as to costs.

(Dr.K.B.Suresh)
Member (J)



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दिनांक १७/१२/१८ अस्त्रेशनुसार
गोपीनाथ चतुर्वेदी द्वारा दिनांक ११/१२/१६
क्रम अस्त्र-११ वा १० अस्त्र दिनांक चतुर्वेदी ।