

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 18 of 1995.

Monday this the 5th day of February, 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

John T. Samuel,  
Chief Commercial Clerk,  
Grade III, Booking Office,  
Southern Railway,  
Trichur.

.. Applicant

(By Advocate Shri V.R. Ramachandran Nair)

Vs.

1. Union of India represented by  
The General Manager,  
Southern Railway, Madras.
2. The Divisional Railway Manager,  
Southern Railway, Trivandrum.
3. The Senior Divisional Commercial  
Superintendent,  
Southern Railway, Trivandrum.
4. The Divisional Personnel Officer,  
Southern Railway, Trivandrum. .. Respondents

(By Advocate Shri Mathews J. Nedumpara (represented))

The application having been heard on 5th February, 1996,  
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges A-7 order, by which his  
prayer for granting increments was rejected.

2. Applicant was charged with misconduct, in that  
he sold a Second Class Ticket issued to one Mr. Madhu  
to one Mr. Sivanandan, by tampering with the records  
relating to reservation. The charge was found.

....2/-

The Disciplinary Authority ordered(A-1):

"...you are reduced as Commercial Clerk in grade Rs.975-1540/- at Rs.1300/- for a period of 5 years (NR) w.e.f. 11.10.1988."

Counsel for applicant argues that this signifies only a reduction in rank for five years, and not withholding of increments at the reduced level for five years. The authority which passed A-7 proceeded on the basis that there was at once, a reduction of rank and withholding of increments at the reduced stage. The order of the Disciplinary Authority is not clear of the intendment. The Disciplinary Authority should clarify the terms and nature of penalty imposed, by passing a clear order. To enable him to do so we quash that part of Annexure A-1, which reads:

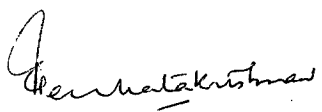
" You are hereby informed that you are reduced as Commercial Clerk in grade Rs.975-1540/- at Rs.1300/- for a period of 5 years (NR) w.e.f. 11.10.1988."


3. The Disciplinary Authority may pass appropriate orders within six weeks from today. If the applicant is aggrieved by the order of the Disciplinary Authority, such statutory remedies as are admissible against the orders of a Disciplinary Authority, will be available to him.

4. Original Application is allowed to this extent.

No costs.

Monday this the 5th day of February, 1996.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

List of Annexures

Annexure A-1: True copy of the penalty advice  
No.V/C.518/8/3/88 dated 10.10.1988  
issued to the applicant by Respondent No.3.

Annexure A7: True copy of the office order No.V/P.227/Genl.  
dated 9.12.1994 issued to the applicant by  
Respondent No.4 rejecting the sanction of  
increment.