

2

**Central Administrative Tribunal
Lucknow Bench**

OA No.14/2008

Lucknow, this the 9th day of January, 2008.

Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Mr. J.P. Shukla, Member (A)

Mohd. Naseem,
son of late Hameedula,
Resident of village Husainganj,
H/o Bandhuwa, Kalan,
Post Bandhuwa Kalan,
District Sultanpur,
Technician under C.D.O.
Northern Railway, Sultanpur.

-Applicant

(By Advocate Shri O.N. Tripathi)

-Versus-

1. Union of India through
its General Manger,
Northern Railway,
New Delhi.
2. D.R.M., Northern Railway,
Lucknow.
3. A.D.M.E./C&W,
Northern Railway,
Lucknow.
4. Senior D.M.E.,
C & W.
5. A.D.R.M. II Northern Railway,
Lucknow.

-Respondents

(By Advocate Shri N.K. Agarwal with Shri Praveen Kumar)

O R D E R (ORAL)

Mr. Shanker Raju, Hon'ble Member (J):

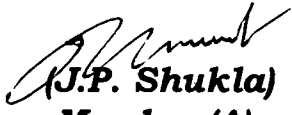
Heard the learned counsel for the parties.

2. Applicant, by virtue of this OA has assailed respondents' order dated 7.5.2007, imposing upon him a penalty of reduction by two stages without cumulative effect and discontinuance as Manager, Talimi Association. Also assailed is an order passed by the appellate authority on 11.09.2007, upholding the punishment. Applicant was proceeded against on an allegation of violation of Rule 15 of the Railway Servants (Conduct) Rules, 1966 on acquiring a vehicle in his name without seeking permission of the authorities. It is also stated by the learned counsel of applicant that as per Rule 18 (3) of the Rules ibid what is required on acquiring a immovable property is only an intimation which has already been given to the respondents. As such, no misconduct is committed to warrant any punishment.

3. On the other hand, this has been strongly resisted by the learned counsel of respondents.

4. On careful consideration of the rival contentions of the parties we are of the considered view that whereas the information has already been furnished by applicant, no misconduct is attributed to him. As the requirement of rule has not been taken into consideration by the authorities the orders passed are without application of mind and cannot sustain in law.

5. It is also trite that for no misconduct one cannot be punished with any penalty. Accordingly, OA is allowed. Impugned orders are set aside. Consequences to follow. No costs.


(J.P. Shukla)
Member (A)


(Shanker Raju)
Member (J)

'San.'