

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Registration U.A. No. 51 of 1991

N.P. Tripathi Applicant.

Versus

Union of India
and others Respondents.

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Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. V.K. Seth, Member (A)

By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was working as T.F.E. while functioning as Sleeper Coach T.F.E. of 43 Down Gwalior Chhapra Express on 20/21.6.1989 between Kanpur Central and Gorakhpur Junction, committed misconduct in as much as he realised reservation charges from 17 passengers at Lucknow Junction and beyond i.e. between Kanpur Central and Lucknow Junction but he did not issue any reservation ticket to them with an ulterior motive. He realised Rs. 10/- in excess over and above the prescribed reservation charges from two passengers while allotting berth Nos. 21 and 23. He permitted to travel 14 passengers without ticket in his Sleeper coach. He created a shortage of Rs. 348/- in his Govt. cash. The applicant was charge-sheeted and according to him, he has submitted his reply, thereafter, enquiry officer was appointed. The applicant moved an application for inspection of documents and production of documents before the Enquiry Committee and the list of required documents was furnished in his application dt. 20.10.1989. The applicant moved an application on 14.11.1989 before the

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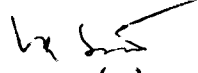

Disciplinary Authority for the change of the Enquiry Officer. According to the applicant, the witnesses were also not examined. The enquiry officer, after holding the enquiry found the applicant guilty and thereafter he was punished. The applicant filed a departmental appeal against the same which too was dismissed, thereafter, he has approached the Tribunal. The learned counsel for the applicant has strenuously contended that the enquiry is not fair because the enquiry officer was a biased officer. It was further contended that the full opportunity of hearing was not given to him and no opportunity was given to him to cross-examine the witnesses. The appellate authority without given an opportunity of hearing to the applicant dismissed his appeal and he has not passed a speaking order on his appeal and no reason whatsoever has also been assigned by the appellate authority in deciding his appeal.

2. Accordingly, ^{as} the order of the disciplinary authority suffers from serious infirmity, this application is allowed and the order dated 30.10.1990 and order dated 16.1.1991 are quashed, and the appellate authority is further directed to dispose of the appeal of the applicant after giving him personal hearing to the applicant taking into consideration all the pleas and grievances raised by him. The appellate authority shall pass a speaking order one way or the other.

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As the matter is old, the appellate authority shall shall pass a speaking order within a period of 3 months from the date of communication of this order. In case, the appellate authority finds that ofcourse, the opportunity of hearing is must, it will for the appellate authority to send back the matter to the enquiry officer or to pass any order in accordance with law. No order as to Costs.


Member(A)
Vice-Chairman

Dated: 19.4.1993

(n.u.)