

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 319 of 1990.

this the 4th day of February 2000.

Hon'ble Mr. A.V. Haridasan, Vice-Chairman,

Hon'ble Mr J.L. Negi, Admn. Member.

P.K. Srivastava, aged about 40 years, S/o Sri M.M. Srivastava, TTE under Divisional Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow.

Applicant.

By Advocate: Sri Ratnesh Lal.

Versus.

Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.

2. The Additional Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

3. The Senior Divisional Commercial Superintendent, Northern Railway, Hazratganj, Lucknow.

Respondent.

By Advocate: Sri S. Verma.

O R D E R.

A.V. HARIDASAN, V.C.

The applicant while working as Travelling Ticket Examiner (TTE in short) under the Divisional Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow was placed under suspension by order dated 15.6.87 in contemplation of disciplinary proceeding. He was thereafter served with a memorandum of charges dated September '87 (Annexure-3). The articles of charges read as follows:-

"That he allowed one freedom fighter, two MLAs alongwith their 3 companions holding impropr tickets to travel in 1st ACC of 415 up unauthorisedly.

2. He allowed as many as six passengers without tickets to travel in AC Chair car and failed to regularise them upto Kunda Harnamganj.

3. He misbehaved with the VIs by sending mussle man to threatend the VIs to stop the check and leave the train.

4. He destroyed the evidence collected by the

VIs against him by snatching the seized documents and not depositing the reservation chart used in the train."

2. The applicant denied the charges. An enquiry was held. The disciplinary authority finding that charge no. 2 was proved imposed on the applicant by the impugned order Annexure-10 a penalty of reduction to the lower grade of Ticket Collector in the scale Rs.950-1500/- fixing his pay at Rs.950/- effecting his future increments for a period of three years. The applicant filed an appeal raising various grounds including that the enquiry was not properly held in as much as he was not supplied with documents demanded by him to enable him to make a proper defence. The appellate authority vide his order Annexure-12 confined the finding but reduced the penalty to one of reduction in the same pay-scale of Rs.1200-2040/- at Rs.1200/- for two years without cumulative effect:-

3. Aggrieved these orders, the applicant has filed the present Original Application. The applicant has also impugned Annexure-1 to the O.A. by which he was placed under suspension.

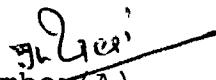
4. The applicant has alleged that he has not given been / reasonable opportunity to defend himself inasmuch as he was not supplied with the relevant documents which he had demanded to enable him to give the proper defence. It is further alleged that the order of the disciplinary authority as also of the appellate authority are devoid of application of mind. The applicant, therefore, seeks to set-aside the impugned orders.

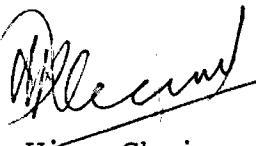
5. The respondents have filed a detailed reply Statement in which they contest the claim of the applicant.

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6. We have heard the learned counsel on either side. The learned counsel for the respondents taking note of the fact that the enquiry officer did not allow the applicant to adduce defence evidence as is evident from Annexure-8 and as the orders of the disciplinary authority as also the appellate authority are non-speaking suggested that the orders may be set-aside permitting the disciplinary authority to have a further enquiry held from the stage of defence evidence within a reasonable time. The learned counsel for the applicant also agreed to this suggestion.

7. In the result, in the light of the submission of the learned counsel at the Bar and in view of the fact that the applicant did not have a reasonable opportunity to adduce evidence in defence, we dispose of this application setting-aside the impugned orders and permitting the respondents to have a further enquiry held from the stage of defence evidence. The further enquiry as above shall be held and completed as early as possible and at any rate within a period of six months from the date of communication of this order. No order as to costs.


Member (A)


Vice-Chairman.

Lucknow:Dated; 4.2.2000/-

Girish/-