

(A5)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.71 of 1990 (L)

Niyaj Ahmad ..... Applicant

Versus

Union of India & Others..... Respondents

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

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, VC)

The applicant who is railway employee has filed this application against the ex parte punishment order dated 12.5.89 passed by the Sr. DOS Moradabad and the appellate order dismissing the appeal. A chargesheet was given to the applicant on 13.3.89. The charges against the applicant were :

" Shri Niaz Ahmad while functioning as TI/HRI in the month of February, 1989 committed serious irregularities in as much as -

(i) He was caught red handed while travelling in AC 2 T of 51 UP on 16.2.89 on berth No.15 with 2nd class duty card pass No.20828. He was charged Rs.298/- (Rs.161/- + Rs.137/-) at NRS station vide EFT No.580614.

(ii) Shri Niaz Ahmad misused the 2nd class duty card Pass No.20828 as he did not perform any official duty during the course of his entire journey upto NRS. He also did not attend DRM's office/MB on 16.2.89 for any official work."

By the above acts of omission and commission on the part of Shri Niaz Ahmad, he violated Rule 3(1) (i), (ii) and (iii) of the Railway Service Conduct Rules, 1968 as he failed to maintain absolute integrity, devotion to duty and acted in unbecoming manner of a Railway servant."

(Pb)

2. The applicant was required to submit his reply. The applicant submitted his reply on 23.3.89. He also demanded certain relied upon and additional documents for preparation of his reply of the memo of charge/sheet but no reply or documents were provided and ex parte punishment order without supplying documents was passed.

3. The respondents case is that the applicant was given full opportunity of hearing and he was also allowed to inspect the documents and if need be he may also copy out of the same but he could not do so. The applicant did not submit his defence/reply, instead he asked for documents which were not relevant. The grievance of the applicant is that he was not given the copies of the documents for which he is entitled to get. The learned counsel for the applicants states that the applicant will now file his defence reply within fifteen days. In view of the fact that the applicant may be given reasonable opportunity and both the orders 12.5.89 passed by the Sr.DOS Moradabad and the appellate order dismissing his appeal are quashed and the disciplinary authority is directed to fix a reasonable date for submission of his reply and the applicant shall file his reply within fifteen days and thereafter after giving a personal hearing to the applicant, the disciplinary authority may proceed with the matter. The respondents will also make available all the required documents to the applicant to inspect and if need be he may be allowed to copy out the same. With these observations the application is disposed of without any order as to costs.

*transcript*  
Dated the 3.7 July, 1991  
RKM

Member (A)

Vice Chairman