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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

B.A.No. 549/91.

~~T.A.No.~~

Dt. of Decision: 27.1.93

P.Bheem Singh

Petitioner

Shri M.C.Pillai

Advocate for  
the Petitioner  
(s)

Versus

The GM/S.C.Rly/SC & 4 others

Respondent.

Shri N.V.Ramana, SC for Railways

Advocate for  
the Respondent  
(s)

CONRAM:

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. C.J.Roy : Member(J)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

svl/

HRBS  
M(A).

HCJR  
M(J).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.549/91.

Date of Judgement 27.1.1993.

P.Bheem Singh

.. Applicant

Vs.

1. The GM/S.C.Rly/SC.
2. The CPO/S.C.Rly/SC.
3. DRM/BG/S.C.Rly/SC.
4. DPO/BG/SC.Rly, ~~Secunderabad~~.
5. LF/S.C.Rly/Dornakal. .. Respondents

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Counsel for the Applicant :: Shri M.C.Pillai

Counsel for the Respondents:: Shri N.V.Ramana, SC for R1

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

X Judgement as per Hon'ble Shri R.Balasubramanian,  
Member(A) X

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This O.A. is filed with a prayer to quash the  
impugned order No.P/89/SC/PB/1366 dt. 15.3.91 of the  
2nd respondent.

2. The applicant was served with a charge-sheet  
on 18.1.88. He was charged with misconduct in demanding  
and accepting illegal gratification to help a certain  
official in his transfer. An enquiry was conducted and  
he was punished with the order of removal on 22.6.90.  
His appeal dt. 1.7.90 was rejected on 19.11.90. His  
revision petition dt. 10.1.91 was again rejected  
on 15.3.91. Hence this O.A.

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3. It is the case of the applicant that the official (Shri Ratnam) hatched a gameplan to escape from several debtors and the money that he gave the applicant which the C.B.I. seized in the raid was actually a return of the handloan he had taken earlier from the applicant. He does not deny receipt of the money from Shri Ratnam. It is only the return of the handloan according to him. He alleges that Shri Ratnam has converted this simple return into a major case of corruption so that in the consternation, he can get relieved (as per transfer order) and run away from several other debtors. According to the applicant, he had no knowledge of this plan since he had returned to duty only on 18.5.87 after a 10 day absence and the 'trap' took place on 20.5.87.

4. The respondents have filed a counter opposing the O.A. It is contended that the disciplinary proceedings were conducted according to rules and affording adequate opportunities to the applicant to defend himself.

5. We have examined the case and heard both sides. The central question is whether it is a case of illegal gratification or a mere return of a handloan blown to the size of bribery. The respondents have established, to a reasonable extent, that the money received by the applicant was bribe money. Against this, all that the applicant could plead was that it was a case of returning the handloan. He has not brought out anything appealing. During the hearing the learned counsel for the applicant relied heavily on a letter written by Shri Ratnam (whose complaint led to the D&A action) dt. 16.6.87 written to a certain Pentusab (translation available at page 164 of the material papers). Out of sheer despair a new story is woven round, a very vague

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Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad-371.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad-371.
3. The Divisional Railway Manager, South Central Railway, B.G. Division, Secunderabad-371.
4. Divisional Personnel Officer, South Central Railway, B.G. Division, Secunderabad-371.
5. Loco Foreman, South Central Railway, Dornakal, Junction.
6. One copy to Sri. M.C.Pillai, advocate, Flat No.304, Kakatiya Apartment, Street No.2 Habshiguda, Hyd-007.
7. One copy to Sri. N.V.Ramana, SC for Railways, CAT, Hyd.
8. One spare copy.

Rsm/-

25/11/73.

reference to Pandava Vanavas-and debtors. The learned counsel for the applicant wants us to believe that this reveals the sinister plan of Shri Ratnam to implicate the applicant in the 'planted' case. Asked why this letter of June, 1987 was not taken advantage of in the course of the D&A proceedings, the reply was that the applicant was ignorant of such a letter and motives. The explanation was that it was only after imposition of the punishment the good samaritan (Pentusab) took pity on the innocent applicant and gave him the letter with a view to use it to his advantage. The letter does not reveal anything and we are not in the least convinced of the version of the learned counsel for the applicant.

6. The respondents have followed the procedure according to rules and the applicant is unable to point out any chinks.

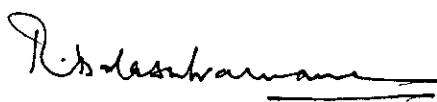
It has been held by the Hon'ble Supreme Court that:

"A disciplinary proceeding is not a criminal trial. The standard of proof required is that of preponderance of probability and not proof beyond reasonable doubt."

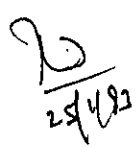
(Para 25 of AIR 1989 (SC) 1192)

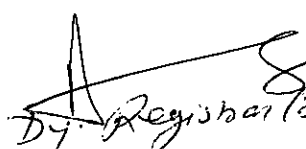
In the present case, the applicant was placed in a position to relieve the complainant at the appropriate time and the chance as reasonably established by the respondent was that the applicant demanded and accepted illegal gratification.

7. In view of the above, we dismiss the application with no order as to costs.

  
( R. Balasubramanian )  
Member(A).

  
( C. J. Roy )  
Member(J).

  
Dated: 27<sup>th</sup> January, 1993.

  
By Registrar (Judicial)