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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A. 1301/95

Date of decision: 24.3.98

Between:

P. Sreenivasan

.. Applicant

A N D

1. The Enquiry Officer/EI/II/SC,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
2. Assistant Electrical Engineer-II(M.G.)  
Office of Divisional Railway  
Manager (P)  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
3. Senior Divisional Electrical  
Engineer (M.G.)  
Office of Divisional Railway  
Manager (P),  
South Central Railway,  
Secunderabad.
4. Addl. Divisional Railway Manager(MG)  
Office of Divisional Railway Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.
5. The General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad. .. Respondents

Counsel for the applicant : Mr. M.N. Narasimha Reddy

Counsel for the respondents : Mr. N.R. Devraj

Coram:

Hon'ble Shri A. V. Haridasan, Vice-Chairman (E.B.)

Hon'ble Shri H. Rajendra Prasad, Member (A) *Q/* *mp*

Disciplinary proceedings were initiated under Rule 9 of the Railway Servants (D&A) Rules, 1968, against the applicant in May, 1991.

The official was served with a memorandum of charges containing allegations that he had fabricated:

- (i) two fictitious and forged letters in his own handwriting during April and May, 1989, purporting to have been issued by the concerned authority directing the re-engagement of ~~some~~ casual labourers;
- (ii) 104 forged casual-labour cards in his own handwriting purported to have been issued by the concerned authority; and
- (iii) a fictitious letter in his own handwriting purported to have been written by the concerned authority directing 19 persons to be re-engaged for Monsoon Patrolling work as if they were retrenched casual labour.

An enquiry officer <sup>was</sup> appointed in May, 1991, and his inquiry report was submitted in January, 1993.

A copy of the enquiry report was supplied to the applicant who submitted his defence in April, 1993.

The disciplinary authority (R-2) imposed the punishment of dismissal from service in November, 1993, whereafter the applicant preferred an appeal in December, 1993. The Appellate Authority rejected

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the appeal in September, 1994. A revision petition was filed by the applicant in November, 1994, and the same was dismissed in May, 1995.

2. All the three proceedings viz., those issued by the disciplinary, appellate and revisional authorities, are impugned in this OA.

3. The grievance of the applicant is that all the three authorities <sup>had</sup> failed to consider the grounds raised by him, and had not applied their mind before passing/confirming the orders of dismissal.

4. His arguments are as follows:

The officers whose signatures he is alleged to have forged were not examined. The signatures of such officers were not sent for expert examination while his signature and specimens of handwriting alone were so sent. A further grievance is that the Inquiry Officer relied mainly on the opinion of the handwriting expert, and his (applicant's) own confessional statement, in drawing up his report. He contends that the opinion of the handwriting expert cannot be the sole basis for establishing the charges. As regards his own so-called confession, the applicant argues that when some specimens of writing were shown to him, he had merely stated that they resembled his own handwriting; this could not be regarded as a confession. He argues further that the evidence tendered by the witness cited by himself was not considered. He quotes one of the prosecution witnesses who <sup>had</sup> averred that the alleged fraud appeared to be the handiwork of a team, and not of any single individual. Finally, he mentions that no action was initiated against anybody except against himself

whereas all indications were to the effect that several persons had colluded in perpetrating the forgery. He contends, therefore, that this is a case of no evidence at all.

5. Based on the above arguments, the applicant prays for a direction to be issued to the respondents to reinstate him in service with all consequential benefits, and for setting aside the disciplinary/appellate/revisional orders.

6. The respondents in their counter-affidavit point out that the applicant had failed to submit any explanation at all, initially, when he was served with the memo of charges. Under the circumstances an Inquiry Officer had to be appointed. The enquiry was conducted strictly in accordance with the rules and the applicant was given all reasonable opportunities to defend himself. The documents requested for by him were duly supplied. The Disciplinary Authority had carefully considered the explanation of the official, all available evidence, and all relevant records of the case, before imposing the penalty. The appellate Authority on his part had also carefully considered the entire record and evidence, besides affording an opportunity to the applicant to make his submissions during a personal hearing. The appellate orders were passed only thereafter. The revisional authority too had considered all facts and record before confirming the penalty. The orders passed by all three authorities were speaking orders, and the contention of the applicant that his case was dismissed without

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is  
assigning any valid reason therefore [ ] totally  
incorrect in face of the record. It is also  
mentioned that the defence [ ] note submitted  
by the applicant did receive proper consideration  
and even found a mention in the Inquiry Officer's  
report. The plea of the applicant that the  
alleged forgery was committed in a department  
or office to which he had no access is not  
acceptable since the main charge was <sup>of</sup> his involvement  
in the forgery and not the fact that the two  
departments are separate, or one of them was  
inaccessible to the applicant. They point out  
that the opinion of the handwriting expert,  
based on scientific analysis leading to logical  
conclusions, was clear and unambiguous. Due  
attention was paid to the evidence tendered by  
the witness cited by the applicant during the  
enquiry.

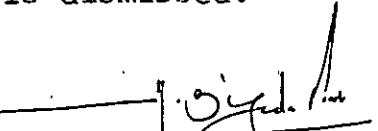
7. Considering the facts of the case and  
the record produced, and the submissions made  
during the hearing of this case, it is evident  
to us that there existed a reasonable scope to  
entertain a suspicion of misconduct on the part  
of the applicant. The suspicion was confirmed and  
rendered into a proven fact by the evidence  
entered during the enquiry. By its very nature a  
departmental enquiry cannot, and need not, conform  
to the exacting standards of proof required in  
proceedings in a criminal case. It would <sup>be</sup> adequate  
if the lapses of the applicant were proved with a  
reasonable measure of clarity. Looking into the  
record of proceedings, we are of the opinion that

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the enquiry was conducted within the requirements of rules and that no evidence, either oral or documentary, or any pertinent fact, was either disregarded or distorted to the disadvantage of the applicant who, moreover, had every opportunity to defend himself throughout the proceeding, including the availment of the services of a defence counsel, besides being given a personal hearing by the appellate authority.

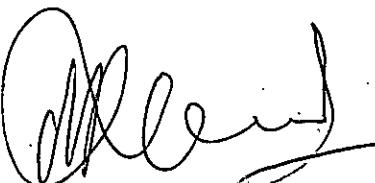
8. Under the circumstances we are unable to hold that the enquiry was prejudiced, flawed or vitiated in any manner to the detriment of the interests of the applicant. We do not therefore accept the applicant's contention that this was a case of no evidence.

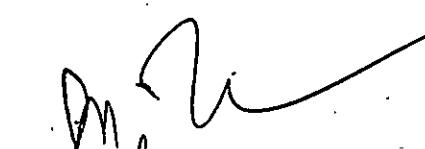
9. There is no merit in the OA. The same is dismissed.

  
(H. RAJENDRA PRASAD)  
Member (A)

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MD

  
(A.V. HARIDASAN)  
Vice-Chairman (E.B)

  
Deputy Registrar

O.A. 1301/95.

To

1. The Enquiry Officer/EI/II/SC,  
SC Rly, Railnilayam, Secunderabad.
2. The Assistant Electrical Engineer-II(M.G)  
O/o Divisional Railway Manager(P)  
SC Rly, Railnilayam, Secunderabad.
3. The Senior Divisional Electrical Engineer(M.G)  
O/o Divisional Railway Manager(P) SC Rly  
Secunderabad.
4. The Additional Divisional Railway Manager(MG)  
O/o Divisional Railway Manager, SC Rly  
Railnilayam, Secunderabad.
5. The General Manager, SC Rly,  
Railnilayam, Secunderabad.
6. One copy to Mr. M.N.Narasimha Reddy, Advocate, CAT.Hyd.
7. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
8. One copy to HHRP.M.(A)CAT.Hyd.
9. One copy to DR(A) CAT.Hyd.
10. One spare copy.

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TYPED BY  
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I Court  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE AV Haji Raza  
VICE-CHAIRMAN Ernakulam  
AND Bench

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 24-3-1998

ORDER/JUDGMENT:

M.A./K.A./C.A.No.

in  
O.A.No. 1301/95

T.A.No.

Q.W.P

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

