

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.504/97

Date of order:13.08.1999

K.R.Dhaka S/o Shri Chandra Bhan Singh, at present (under suspension) T.T.E. under C.T.I. (II), Western Railway, Jaipur.

...Applicant

vs.

1. Union of India through the General Manager, Western Railway, Church Gate, Mumbai.
2. The Chief Commercial Manager, Western Railway, Churchgate, Mumbai.
3. The Senior Divisional Commercial Manager, Western Railway, Jaipur.
4. The Senior Deputy General Manager and Chief Vigilance Officer, Western Railway, Churchgate, Mumbai.
5. Shri S.S.Rathore, Vigilance Inspector, Western Railway, Headquarter at Vadodara Division.

...Respondents.

Mr.P.V.Calla, counsel for the applicant

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CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, K.R.Dhaka, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying therein for revocation of the order of suspension.

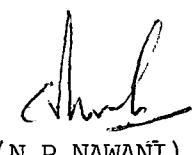
2. We have heard the counsel for the applicant and have perused the records.

3. Facts giving rise to this application are that the applicant while discharging his duties as a Travelling Ticket Examiner on 14.10.1996 in a sleeper coach on the train 2308 UP from Jaipur to Sawai Madhopur, was asked by a Vigilance Inspector to deliver his Extra Fare Ticket, despite the fact that the same was already delivered to him. The latter then alleged that the applicant had taken a sum of Rs. 200/- from a passenger for allotment of a berth. On an altercation between the Vigilance

Chairman

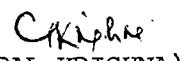
Inspector and the applicant, the applicant had lodged a complaint against the Vigilance Inspector himself for misbehaving with him. On a complaint by the Vigilance Inspector, the Chief Ticket Inspector by an order dated 28.10.1996 placed the applicant under suspension with reference to a communication from the D.C.T.I., Jaipur dated 25.10.1996. Thereafter, the Senior Divisional Commercial Manager, respondent No.3, issued a formal order of suspension on 6.11.1996. The learned counsel for the applicant assailed these orders as having been passed by persons who were not competent to pass the same. It is further contended that the impugned order of suspension was issued on a complaint of a Vigilance Inspector who nursed an illwill against him. The order of suspension, as stated by the learned counsel for the applicant, has not been reviewed in terms of the relevant rules. The memorandum of charges was issued on 2.7.1997 vide Ann.A12. The applicant has preferred appeals to the appellate authority against the order of suspension vide Ann.A19 dated 22.9.97 and against the chargesheet issued against him in August, 1997, which is still pending consideration.

4. In the circumstances, this application is disposed of at the stage of admission with a direction to respondent No.3 to decide the applicant's appeal at Ann.A19 dated 22.9.97 and the representation made by the applicant at Ann.A18 in August, 1997 through a detailed speaking order on merits within a period of 2 months from the date of receipt of a copy of this order.



(N.P.NAWANI)

Adm. Member


(GOPAL KRISHNA)

Vice Chairman