

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 516/2002

Shri Durga Prasad Kewat,  
S/o. Shri Ram Prasad Kewat,  
aged 52 years, R/o. Near Jhara,  
Tugaria Masjid, Katni,  
Madhya Pradesh.

... Applicant

V e r s u s

1. Union of India,  
Through : The Secretary,  
Ministry of Railways,  
Rail Bhawan, New Delhi.
2. The General Manager,  
Central Railway,  
C.S.T. Mumbai.
3. The Divisional Railway Manager,  
Central Railway, Jabalpur.
4. The Divisional Mechanical  
Engineer, Central Railway,  
Jabalpur.

5. Deleted

... Respondents

Counsel :

Smt. S. Menon for the applicant.  
Shri M.N. Banerjee for the respondents.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.  
Hon'ble Shri Sarweshwar Jha - Member (Admnv.).

O R D E R (Oral)

(Passed on this the 16th day of January 2003)

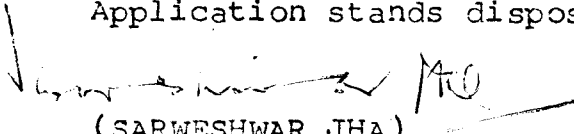
Heard. The applicant has approached this Tribunal through this Original Application seeking quashing of the memorandum of charge issued by the respondents on the 15th July, 2002, a copy of which is placed at Annexure A-2. He has also made other prayers as explained in paragraph 8 of the application. On perusal of the application it is observed that the applicant had been issued a memo under Rule 11 of <sup>The</sup> Railway Service Rules,

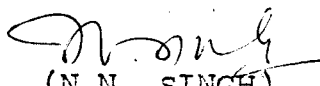
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1968 simply for the reason that he had got a legal notice issued on the respondents seeking the relief for removal of the penalty of censure imposed on him. It is further observed that a de-novo enquiry had been instituted which finally led to imposition of penalty of removal from service. It is also further observed that this penalty of removal from service was further reduced to censure when he preferred an appeal and when it was disposed of. The applicant has thus passed through quite an agonising process of being censured and then removed and then finally censured. It speaks quite adversely on the way the respondents have dealt with this matter. It is also quite unfortunate that the respondents have penalised a civil servant for having exercised his inherent right of seeking relief against the grievance that he had suffered from.

2. The learned counsel for the respondents Shri Banerjee was present and was heard.

3. Keeping in view the submissions of the respective learned counsel of both the sides, we are of the view that the respondents have committed an error in issuing the charge memo to the applicant on having exercised a legal right which is vested in him as an employee and we are, therefore, quashing the memorandum of charge issued by the respondents on the 15th July 2002, a copy of which is placed at Annexure A-2. With this, this Original Application stands disposed of with no order as to costs.

  
(SARWESHWAR JHA)  
MEMBER (A)

  
(N.N. SINGH)  
VICE CHAIRMAN

Issued  
on 20.1.03  
BZ

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अतिरिक्त  
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(2) 100  
(3) 100  
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17/1/03