

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No: 952/2000

Jabalpur, this the 8th day of April, 2004

HON'BLE SHRI M.P. SINGH, VICE CHAIRMAN
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

Aric Moon,
Chief Ticket Inspector & Train Conductor
Central Railway,
Jabalpur.

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
General Manager,
Central Railway,
Mumbai.
2. Senior Divisional Commercial Manager,
Central Railway,
Jabalpur.
3. Assistant Divisional Railway Manager,
Central Railway,
Jabalpur.
4. Divisional Railway Manager,
Central Railway,
Jabalpur. ...Respondents

(By Advocate: Shri M.N.Banerjee)

O R D E R

By Shri Madan Mohan, Member (J):

By filing this O.A. the applicant is seeking the following main reliefs:

- i) to quash the impugned chargesheet (Annexure A/6-A) being vague, indefinite and baseless.
- ii) to quash the punishment order (Annexure A/1) and the appellate order (Annexure A/2) for being non-speaking arbitrary, baseless and without application of mind.

2. The brief facts of the case are that the applicant was a Chief Ticket Inspector cum Conductor in the Commercial department of Central Railway, Jabalpur Division. On 18.11.1998 while he was working as Conductor in 1449 Down he was approached for issuing tickets to two passengers in A.C. Coach between Satna and Manikpur Section while the train was in run. The passengers were issued with proper excess fair ticket on collection of proper railway fair. Since the fair

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was paid in five hundred and one hundred rupees notes, the balance amount of Rs. 123/- and Rs. 44/- to the passengers could not be returned immediately for want of change. The passengers themselves intended to get back their balance return when the passengers could procure the change afterwards.

2.1 A Vigilance Team accosted the applicant in the same compartment and checked both his personal cash and private cash. The private cash was found to be correct as per his declaration but railway cash was found to be in excess by Rs. 167/- which was to be returned back to the passengers i.e. Rs. 123/- and Rs. 44/- as their balance amount. The said Vigilance Team made personal contact to those two passengers to enquire about the truth and veracity about the return of balance amount to them and was satisfied with the genuineness of such return of balance amount. But with an ulterior motive, the Vigilance Team prepared a Memo for joint signatures of both the applicant and vigilance team by mis-stating such return of balance amount as a return made only after intervention by them. Thereby, they wanted to make out a false case of taking extra money from the passengers on false pretext. When the applicant and his subordinate staff refused to sign such joint Memo, the applicant was manhandled and badly misbehaved. At this moment the related passengers protested and gave in writing that since payments for tickets were made in denomination of Rs. 500/- and Rs. 100/- the conductor, with their knowledge and approval, agreed to make balance return on availability of change, since he had no change available with him, to return. The passengers also clearly stated that there was no demand of extra money by the conductor and that he was manhandled by the railway vigilance team.

2.2 On 12.2.1999 the applicant was issued with a Chargesheet for minor penalty over the incident of 18.11.1998 in A.C.2 tier coach of 1449 Dn. alleging violation of conduct rules with inadequate



particulars of incident and without attaching any documents on which such allegations were based. The applicant made demand of relevant documents and holding of an enquiry in the circumstances mentioned in the chargesheet which have been duly provided in the related rules for minor penalty imposition. But the disciplinary authority issued another order dated 23.3.99 to submit explanation for specific charges. Again the applicant made a categorical demand of D & A enquiry in the charges and related documents by representation dated 29.3.1999 but instead of complying with the demand of the applicant, the disciplinary authority without any application of mind imposed a punishment of stoppage of one year service increment.

2.3 Against the said order of the disciplinary authority the applicant preferred an appeal on 17.4.2000. The appellate authority vide its order dated 4.9.2000 disposed of the said appeal of the applicant in a most mechanical manner without any application of mind by passing a non-speaking order and in utter violation of D & A Rules and Guidelines.

3. Since this is an old matter pertaining to the year 2000 and none is present on behalf of the applicant, we propose to dispose of this O.A. by invoking the provisions of Rule 15 of C.A.T. (Procedure) Rules, 1987. We have heard the learned counsel for the respondents. However, after hearing the learned counsel for the respondents, the learned counsel for the applicant was directed to submit the written submission within three days. The written submissions have been filed by the applicant's counsel on 25.3.2004.

4. Learned counsel for the respondents argued that the applicant every was given /.. opportunity to defend his case. The applicant submitted his representation to the chargesheet. The disciplinary authority considered the said representation and advised the applicant vide its order dated 23.3.1999 to submit a specific reply to the charges. The applicant submitted his representation, reply dated 29.3.1999. Considering all the aspects of the case



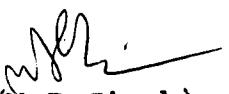
the disciplinary authority has passed the impugned order dated 6.3.2000 imposing the penalty of stoppage of one year service increment without cumulative effect. Against the said order of the disciplinary authority, the applicant preferred an appeal on 17.4.2000. The appellate authority considered the same and rejected the appeal of the applicant confirming the order of the disciplinary authority. Hence, the O.A. is liable to be dismissed.

5. We have given careful consideration to the rival contentions of the parties. We have also gone through the written submissions submitted on behalf of the applicant on 25.3.2004 and we find that both the disciplinary authority and the appellate authority have not properly considered the various points raised by the applicant in his representation as well as in his appeal while rejecting the same. We also find that they have not assigned any reason in the impugned orders. In support of his claim, the applicant has relied upon the judgement of the Hon'ble Supreme Court in the case of O.K.Bhardwaj vs. Union of India & Ors. 2002 SCC (L&S) 188. We also

have
6. Since the authorities concerned / passed cryptic orders and the principles of natural justice have not been followed, the impugned orders are not sustainable in the eye of law. Accordingly we quash the said orders dated 6.3.2000 and 4.9.2000 Annexure A-1 and Annexure A-2 respectively, and remit the matter back to the appellate authority to consider all the points raised by the applicant in his appeal dated 17.4.2000 and pass a speaking, detailed and reasoned order within a period of three months from the date of receipt of a copy of this order.

7. In view of the above, the O.A. is allowed. No costs.


(Madan Mohan)
Member (J)


(M.P. Singh)
Vice Chairman