

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 819 of 1999

Jabalpur, this the 4th day of December, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. G. Shanthappa, Judicial Member

Suhel Khan, S/o Shri Kallu Khan,  
aged about 57 years, R/o Ganjbasoda,  
District-Vidisha, Working as an  
Assistant Station Master, Central  
Railway, Agasod, Near - Bina.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India  
Through Its Secretary,  
Ministry of Railway,  
Railway Bhavan, Bhopal.
2. Senior Divisional Operating Manager,  
Central Railway, Jhansi, (U.P.)
3. Divisional Operating Manager (D.O.M.)  
Central Railway,  
Jhansi

RESPONDENTS

(By Advocate - None)

O R D E R (ORAL)

By G. Shanthappa, Judicial Member -

None is present ~~as such~~ on behalf of the applicant and the respondents. Since it is an old case of the year 1999, we are deciding the same in the absence of learned counsel for the parties by invoking the provisions of Rules 15 and 16 of Central Administrative Tribunal (Procedure) Rules 1987.

2. The applicant has filed this OA praying for a direction to quash orders dated 20.4.98 (Annexure-A-7) and 20.8.99 (Annexure-A-9).
3. The brief facts of the case are that the applicant was working as Assistant Station Master at Karonda. On 26.9.96, during his duty hour there was a detention of 2627 Dn/between AGD-KDA section 1458 Up and 2617 Dn were also detained for

want of Line Clear at MXS and AGD stations respectively. The applicant had some exchange of arguments with another officer of the Railways for which he was issued a charge sheet. The applicant was suspended and during the suspension period he has left the headquarter without obtaining permission of the competent authority. An enquiry officer was appointed to investigate the charges levelled against the applicant. The enquiry officer has conducted <sup>full fledged enquiry and</sup> the charges levelled against the applicant and proved ~~the same~~ <sup>the</sup>. The applicant was given a copy of the findings of enquiry officer. Against the findings of the enquiry officer the applicant sent a representation to the disciplinary authority. After considering the representation of the applicant the disciplinary authority has passed the impugned order dated 20.4.98 (Annexur-A-7) imposing the penalty of reduction to the grade of Rs. 4500-7500/- till retirement with the basic pay of Rs. 4500/-. Thereafter, the applicant has submitted an appeal to the appellate authority on 16.6.98. The same was rejected by the appellate authority vide impugned order dated 20.8.99(Annexure-A-9).

4. Per contra, the respondents have filed their reply contending that the applicant was charged for violation of acting in a careless and negligent manner in as much as he left the head-quarters without permission <sup>sanction of leave from</sup> and <sup>the</sup> competent authority and disobeyed all lawful orders given by his superiors. Thus, he violated General Rule 2.6(B) and 2.8 of General and subsidiary Rules, 1966. It is also stated by the respondents that the letter informing the Station Superintendent, Agasod clearly states that since no accommodation has been allotted and his family is living at Bina, where he shall live and had given his address for correspondence. This was not a letter of request but intimation of his living with his family during the suspension period. It is further stated that the applicant stopped work without waiting for the reliever and when

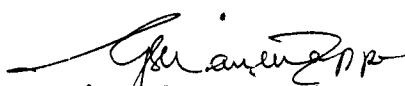
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reliever came and took charge, he left the headquarters even without intimating any other person.

5. We have very carefully perused the pleadings and material available on records. We find from the order dated 20.4.98 passed by the disciplinary authority that the respondents had not conducted any proper enquiry. The order in the form of <sup>impugned</sup> ~~order~~ is a cryptic order and <sup>in the form of</sup> ~~cyclostyle~~, in which the name of applicant and the punishment awarded ~~are~~ <sup>for</sup> ~~for~~ are filled, but this is not a speaking order and no reason for imposing the penalty to the applicant has been mentioned. The order of penalty imposed on the applicant is also very vague. We also find from the order passed by the appellate authority that he has also not considered the issues raised by the applicant in the appeal. Moreover, we find that the penalty imposed on the applicant is disproportionate to the charge levelled against.

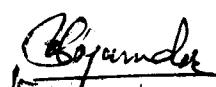
6. For the reasons recorded above but the orders passed by the disciplinary authority and appellate authority are not sustainable in the eye of law. Therefore the orders dated 20.4.98(Annexure-A-7) and 20.8.99(Annexure-A-9) are set aside. No costs.

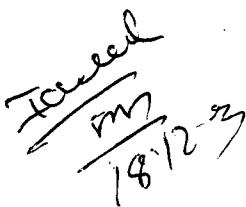
  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

SKM

Prem. Francis, Adv.  
SP Sinha, Adv.



  
SKM  
18/12/98