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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

29.11.2012

MA 388/2012 (OA No. 634/2012)

Mr. Arun Sharma, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

This Ma has been filed by the applicant for early hearing of the OA, which is listed on 09.01.2013. This MA is allowed. The OA now be listed on 07.12.2012.

With these observations, the MA stands disposed of accordingly.

Anil Kumar
(Anil Kumar)
Member (A)

K. S. Rathore
(Justice K.S.Rathore)
Member (J)

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07/12/2012

OA No. 634/2012 (634/2012)

Mr. Arun Sharma, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

Hearod.

O.A. is disposed of by a separate order on the separate-sheets for the reasons recorded therein.

Anil Kumar
[Anil Kumar]
Member (A)

K. S. Rathore
[Justice K. S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 7th day of December, 2012

Original Application No.634/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMN.)

Sushil Kumar Chaturvedi
s/o late Shri Vigyan Sawaroop Chaturvedi,
aged about 56 years,
r/o Maruti Villa, Arya Samaj,
Station Road, Kota Junction, Kota
at present T.T.E. Western Central Railway,
Kota.

.. Applicant

(By Advocate: Shri Arun Sharma)

Versus

1. Union of India through
General Manager,
Western Central Railway,
Jabalpur (M.P.)
2. The Divisional Railway Manager,
Western Central Railway, Kota.
3. The Senior Divisional Commercial Manager,
Western Central Railway, Kota.
4. The Senior Divisional Personnel Officer,
Western Central Railway, Kota.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

By way of this OA, the applicant challenges the Memorandum of chargesheet dated 6.7.2012 (Ann.A/1) on the ground that it is illegal, unjustified, arbitrary and bad in law as the proceedings initiated against the applicant are out of duress and there is no iota of misconduct on the part of the applicant. The applicant was discharging his lawful duties and there is no whisper about any irregularity in his performance amounting to misconduct. On the contrary, he was abused, thrashed, threatened and even subjected to severe beating and injured by Shri Shripati Narayan and his companions, but still the applicant continued performing his duties.

2. The applicant lodged FIR against Shri Shripati Narayan and he was found guilty and chargesheeted. It is also stated by the learned counsel appearing for the applicant that the chargesheet to Shri Shripati Narayan was issued way back in March, 2012, but subsequently under the pressure of the SC/ST Employees Association, charge sheet is also issued to the applicant. Therefore, the applicant prayed that the charge sheet be quashed and set aside.

3. We have considered the rival submissions of the respective parties and perused the material available on record. Upon



perusal of the documents filed by the applicant himself alongwith the Misc. Application No.382/2012 dated 26.10.2012 and 17.10.2012 Ann.A/14), it reveals that the Presenting Officer has submitted his report and in the conclusion it is observed by the Presenting Officer that the charges leveled against the applicant are not fully proved. It is further observed by the Presenting Officer that even after subjected to severe beating, the applicant discharged his duties with utmost sincerity.

4. Upon perusal of the report submitted by the Presenting Officer, it appears that the respondents are fairly conducting the enquiry and it is only the apprehension of the applicant that the respondents will be influenced by the SC/ST Association of Kota Division. It is also stated that in the FIR lodged by Shri Shripat Narayan Chaudhary, the allegations were not found proved by the investigating agency. Thus, the case of atrocities is not found proved against the applicant. The Secretary, All India SC/ST Railway Employees Association, Kota Division also represented to the Chairman, National SC/ST Commission, New Delhi and in response to the letter dated 22.5.2012, detailed reply was given by the official respondents reiterating and affirming the allegations leveled against Shri Shripati Narayann Chaudhary by the applicant.



5. Therefore, in our considered view, at this stage, no interference is required in the matter. However, it is expected from the respondents to act fairly and without any influence of any agency/association. The applicant has every right to represent/agitate and redress his grievance before appropriate authority.

6. Thus, In view of the above, we do not want to interfere in the matter at this stage. Consequently, the OA fails being devoid of merit and the same is hereby dismissed with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member

K.S. Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/