

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA No. 060/000214/2014 Date of decision- 27.01.2015

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

Iqbal Singh, aged 45 years S/o Late Sh. Jagnandan Singh, presently working as Station Master, Northern Railway, Sanhewal, District Ludhiana.

...APPLICANT

BY ADVOCATE : Sh. R.K. Sharma

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Additional Divisional Railway Manager, Northern Railway, Ferozepur.
3. Chief Operations Manager (G), O/o General Manager, Headquarters Office, Northern Railway, Baroda House, New Delhi.
4. Senior Divisional Operating Manager, Northern Railway, Ferozepur.

...RESPONDENTS

BY ADVOCATE: Sh. Lakhinder Bir Singh

ORDER (ORAL)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

By means of the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought following relief:-

- i) Quash order no. 25-T/C-I/8-1/2011 dated 30.04.2012, copy Annexure A-1, passed by Respondent no. 4, whereby a penalty of Removal from service was imposed upon the applicant without serving any charge sheet, without any intimation about appointment of the Inquiry Officer and without any intimation even with regard to the inquiry proceedings on the basis of ex-parte inquiry, which was conducted only on two dates even without affording any opportunity to represent against ex-parte inquiry and also ignoring the fact that all the communications were sent to the applicant at his old address which he had given at the time of entry into service, whereas he had been residing in government accommodation allotted by the Railways after his appointment and thereafter in rented accommodation in the year 2010 which was duly intimated to the department and recorded in his identity card issued on 12.08.2010.
- ii) Quash order no 25-T/C-I/8-1/2011 dated 10.12.2012, copy Annexure A-2, passed by Respondent no. 2 whereby instead of accepting the appeal of the applicant in toto, the appellate authority has partially accepted it and instead of exonerating him, has reduced the penalty from removal from service to reduction to lower grade for a period of two years with loss of seniority and quashing thereof to the extent punishment has been awarded.
- iii) Quash Order No. 52-E/154/D &A/2013 dated 08/2013, copy annexure A-3, passed by respondent no. 3, served to the applicant vide letter no. 25-T/C-1/8-1/2011 dated 28.08.2013 by respondent no. 4, whereby revision petition filed by the applicant was rejected.

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iv) Issue direction to the respondents to consider the applicant in service with all consequential benefits as if the impugned orders were never passed and to release pay and allowances from the period with effect from the date of removal to the date of reinstatement with all consequential benefits.

2. It is one of the grounds taken in the O.A that the applicant has not been served with the charge sheet and subsequent, proceedings thereupon was initiated on the basis of an inquiry which was conducted in two dates at the back of the applicant, without affording him any opportunity of hearing. Therefore, learned counsel for the applicant submitted that proceedings are bad in the eyes of law.

3. Sh. R.K. Sharma, learned counsel for the applicant made a statement at the bar that he may be permitted to withdraw the instant Original Application to enable him to move a Revision Petition, as stipulated under 25(A) of Railway Servant (Discipline Appeal Rule), 1968, before the concerned authority for the reason as he wants to bring on record some facts as stated in O.A on the objection raised by the respondents that it is for the first time in the O.A that the applicant has raised the issues that he was not served with the charge sheet.

4. Though, Sh. Lakhinder Bir Singh, learned counsel for the respondents vehemently opposed the prayer of the applicant that in the written statement, the authorities have stated that neither before the Appellate authority nor before the Revisional Authority, he has

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respondents that after participation and declaring unsuccessful in the selection, the applicant cannot challenge the selection. No other point was argued. Accordingly, the present O.A is dismissed being devoid of merits.

16. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

(UDAY KUMAR VARMA)
MEMBER (A)

Dated: 6.11.2015

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