

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

**Original Application No. 445 of 2017 with
MA 457/17, MA 512/17 and MA 135/18
This the 22nd day of February, 2018**

C O R A M :

**HON'BLE DR K B SURESH, JUDICIAL MEMBER
HON'BLE SHRI K N SHRIVASTAVA, ADMINISTRATIVE MEMBER**

Shri Rajendra,
Son of Chhita Parmar,
Age: 56 years,
Working as Chief Goods Supervisor,
Residing at 204, Nisarg Apptt.,
Gopal Nagar, Vijalpur,
Navsari – 395 450.

... Applicant

By Advocate Shri M S Trivedi

V/s

- 1 The General Manager,
Western Railway,
Churchgate , Mumbai – 400 020.
- 2 The Divisional Railway Manager,
O/o. DRM, Western Railway,
BCT Division, Mumbai Central,
Mumbai – 400 020.
- 3 The Divisional Railway Manager,
O/o. DRM, Western Railway,
Divisional Office, Rajkot Division,
Kothi Compound, Rajkot.
- 4 Chief Commercial Manager (PM),
O/o. CCM (PM) Western Railway,
Churchgate, Mumbai – 400 020.
- 5 Senior Divisional Commercial Manager,
O/o. Sr. DCM, Western Railway,
BCT Division, Mumbai Central,
Mumbai – 400 020.

... Respondents

By Advocate Shri M J Patel

O R D E R (ORAL)

Per Hon'ble Dr K B Suresh, Member(J)

1 Heard.

2 This matter relates to an issue with a particular applicant who was working as Chief Booking Supervisor. The allegation against him seems to be that he was in the habit of manipulating the ticket issues and with the help of the booking clerks will demand money and obtain a share of it from the booking clerks themselves. One Shri Vijay Patel, one of the booking clerks complained to the vigilance and the vigilance laid a trap and in front of the witnesses the applicant was caught red handed and an action was taken against him.

3 The learned counsel for the applicant would now contend that he had an opportunity to participate in the inquiry even though from the record we have some doubt about as to whether he has participated in the inquiry. He submits that he has no grievance on that account, but then he submits that he is not on the question of punishment itself but then basically on the face of same set of another OA which was disposed of a little while ago, i.e. OA 448/2017, since that case was taken up first, the benefit of this OA was not made available to it.

4 Looking into the matter we find that the applicant had been given a ridiculously low punishment even though he was caught red handed in the presence of witnesses, he is to be treated very lightly by the concerned authority. He also had benefit of contention that if one corrupt man is to be removed from the chair, then from top to bottom many people will have to go. Probably he is correct or not we do not know. But the fact remains that the punishment is very low

given the nature of evidence, the way in which it was brought about and the evidence available in the inquiry. However, it reflects very badly on the Railways.

5 The applicant prays that he may not be denied the chance to file an appeal against the imposing of punishment against him. There cannot be any denial of his right to file an appeal and get an order. But even when he files an appeal, the Appellate Authority will consider the adequacy or inadequacy of the punishment imposed. This, we will leave it open for the Appellate Authority to decide the matter on the requirement of public service. If the passengers who arrive to take ticket have to pay bribe to get a ticket, the situation in that particular place is very bad. The Appellate Authority will keep this also in mind and decide the appeal. We feel that the disciplinary authority has failed in functioning and therefore the concerned Appellate Authority will call for an explanation of Disciplinary Authority as to its laxity and it will have a bearing on his future career. But we find that there is nothing wrong in the order passed except with regard to quantum of punishment that we will leave to the Appellate Authority to decide within next two months when he gets a copy of this order.

6 OA is accordingly dismissed. No costs.

7 As the OA is dismissed, None of the miscellaneous application survives for consideration.

(K N Shrivastava)
Member(A)

(Dr. K B Suresh)
Member(J)

abp

