

**Central Administrative Tribunal
Principal Bench**

O.A. No.207/2018
M.A.No.3514/2018
M.A.No.4242/2018

This the 5th day of October, 2018

**Hon'ble Shri K.N. Shrivastava, Member (A)
Hon'ble Shri S.N. Terdal, Member (J)**

Sh.Dukhabandhu Roul,
Aged 35 years
S/o Sh. Muralidhar Roul,
Customer Relation Supervisor (Employee No.10963),
Delhi Metro Rail Corporation Limited,

Resident of:
H-803, Metro Vihar, Model Town
Delhi-110033. Applicant

(applicant in person)

Versus

1. Delhi Metro Rail Corporation Limited
Through its Managing Director,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road,
New Delhi-110001.
2. Shri Rishi Raj,
The Deputy General Manager (PB Vell),
Delhi Metro Rail Corporation Limited,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road,
New Delhi-110001.
3. The Deputy General Manager (Operation)
Delhi Metro Rail Corporation Limited,
And Disciplinary Authority, Line-2,
New Delhi Metro Station,
New Delhi-110001.
4. Mr. R.K. Raghav,
Inquiry Authority,
Office of Manager/Train Operation,

Room No.101, DO's Building,
Delhi Metro Rail Corporation Limited,
Shastri Part Metro Depot,
Shastri Park,
Delhi-110053.

..... Respondents

ORDER (ORAL)

Hon'ble Mr.K.N.Shrivastava,M(A)

The applicant was working as Customer Relation Supervisor in the Delhi Metro Tail Corporation Limited (DMRC). He was served a charge memo dated 06.03.2017 with 7 Article charges which read as under:-

"Article-I

That the said, Shri Dukhbandhu Roul CRS EN 10963, while working CRS Kohat Enclave/Netaji Subhash Place Metro Station lodged complaint on Public Portal in a fake name/false identity.

By the above mentioned act of misconduct Shri Dukhbandhu Roul. CRS, Emp No. 10963, has violated Rule 4.1), 5.5.5.20 of DMRC Conduct Discipline and Appeal Rules, 2014

Article-II

That the said, Shri Dukhbandhu Roul, CRS, Emp No.10963 while working CRS at Netaji Subhash Place Metro Station was scheduled to report to office of Sr.DGM/O/Co-od,Metro Bhawan on 26/09/2016 but he remained unauthorized absent from 26/09/2016 to 05/10/2016 for 10 days.

By the above mentioned act of serious misconduct Shri Dukhbandhu Roul, CRS, Emo No.10963, has violated para-7.1 of the Master Circular on leave rules in DMRC dated 01/11/13 and Rule 4.1 (-ili), 5.6 & 5.7 of DMRC Conduct, Discipline and Appeal Rules, 2014.

Article-III

That the said, Shri Dukhbandhu Roul, CRS, Emp No.10963 while working CRS at Kohat Eclave/Netaji Subhash Place Metro Station did not follow the Organisation hierarchy & Directly approached various Government Offices/Portals by means of emails etc. for raising

allegations, without exhaustion departmental channels meant for grievance Redressal like Grievance Portal on DMRC internet, Grievance Register kept at station, Concerned Operations Officers [AM(O)L-1 or Sr.DGMO(O)-1or ED(O)]

By the above mentioned act of serious misconduct Shri Dukhbandhu Roul, CRS, Emo No.10963, has violated para-4.1 (iii), 5.5, 5.20. 5.21 & 35 of DMRC Conduct, Discipline and Appeal Rules, 2014.

Article-IV

That the said, Shri Dukhbandhu Roul, CRS, Emp No.10963 while working CRS at Kohat Eclave/Netaji Subhash Place Metro Station raised serious allegations (as mentioned in RUD-1), most of which were found to be false & baseless as authentic evidence/proof(s) could not be produced by him during the course of enquiry by Sh. Raman Goel, Sr.DGM/O/Co-od, despite being provided sufficient time to him.

By the above mentioned act of misconduct Shri Dukhbandhu Roul, CRS, Emo No.10963, has violated para-4.1 (1-iii), 5.5, 5.20. 5.21 of DMRC Conduct, Discipline and Appeal Rules, 2014.

Article-V

That the said, Shri Dukhbandhu Roul, CRS, Emp No. 10963 while working as CRS at Kohat Enclave Metro Station was involved in manipulation of staff duty roster which is prepared & managed by the station manager.

By above mentioned act of misconduct, Shri Dukhbandhu Roul, CRS, Emp No. 10963, has violated Rule 4.1 (i-iii), 5.5, 5.20, 5.21 of DMRC Conduct, Discipline and Appeal Rules, 2014

Article-VI

That the said, Shri Dukhbandhu Roul, CRS, Emp No. 10963, while working as CRS at Kohat Enclave/Netaji Subhash Place Metro Station has raised certain issues/ concerns regarding malpractices/manipulations at the station. It is pertinent to mention that he himself has performed duty as shift in-charge or shift station controller at the same station. Had he had performed his duties with due diligence & devotion, it would not have caused complaints/criticism of such kind. This shows that as a shift in-charge, he has failed to properly supervise the station activities during his shift.

By the above mentioned act of misconduct, Shri Dukhbandhu Roul, CRS, Emp No. 10963 has violated Rule 4.1 (i-iii), 5.5, 5.20, 5.21 of DMRC Conduct, Discipline and Appeal Rules, 2014

Article-VII

That the said Shri Dukhbandhu Roul, CRS, Emp No. 10963, while working as CRS at Kohat Enclave Metro Station, used to instruct housekeeping supervisor/ staffs to log-in & operate the Customer Care Centre in the early morning hours from 05:15 Hrs 07:00 Hrs.to issue tokens to customer.

By the above mentioned act of misconduct, Shri Dukhbandhu Roul, CRS, Emp No. 10963, violated Rule 4.1 (1-iii), 5.5, 5.20, 5.21 of DMRC Conduct, Discipline and Appeal Rules, 2014."

2. The main relief claimed by the applicant in this OA is for quashment and setting aside the charge memo dated 06.3.2017. The applicant is present in person. He submits that during the pendency of this OA, the Disciplinary Authority vide order dated 21.8.2018 has ordered his removal from service against which he has preferred an appeal dated 31.8.18 before the Appellate Authority which has not been decided as yet. He further submits that he has been residing in the staff quarter No.H-803 of DRMC and vide orders dated 21.08.2018 and 27.09.2018, he has been asked to vacate the staff quarter. He therefore, seeks a direction to the respondents to allow him to continue in the said staff quarter till the disposal of his appeal.

3. In view of the fact that the prayer of the applicant in this OA was only for quashment and setting aside the charge memo, but after passing of the removal order by the Disciplinary authority, this OA has become infructuous and is accordingly dismissed.

4. Taking the cognizance of the fact that the applicant has preferred an appeal against the removal order passed by the Disciplinary Authority and his appeal has not yet been disposed of by the appellate

authority, we direct the respondents to allow the applicant to continue in the staff quarter till the disposal of his appeal.

5. In view of final order passed in OA, all the pending MAs stand disposed of.

(S.N.Terdal)
Member(J)

(K.N.Shrivastava)
Member(A)

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