

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA/100/194/2017

Reserved on: 27.08.2018
Pronounced on: 29.08.2018

Hon'ble Mr. Ashish Kalia, Member (J)

Suresh Kumar Azad
Aged 63 yrs
S/o Shri Chatru Singh
Ex Dy. FA&CAO/C/JAT
G.M., N. Rly. Hd Qrs. Office Baroda House
New Delhi
Res:- B-605, Rail Vihar Alpha-I
Greater Noida (U.P.)Applicant

(Appeared in person)

VERSUS

Union of India, through

1. Chairman, Rly Board,
Ministry of Rly
Rail Bhawan, New Delhi
2. G.M.N. Railway
Hd. Qrs Office
Baroda House, New Delhi
3. FA&CAO/C/USBRL
N. Rly Jammu Tawi ... Respondents

(Through Shri Shailendra Tiwari, Advocate)

ORDER

The applicant, while working as Dy. FA&CAO, Jammu, was served with the following Statement of Imputations of Misconduct on 31.05.2013:

"(i) Shri Suresh Kumar Azad, with the intention to earn higher TA for his journeys on 13.11.2012 and 6.1.2013 from NDLS to JAT, mentioned in his tour programmes train number (12445) other than the

train by which he actually travelled (12425). As per the approved tour programme, Shri Suresh Kumar Azad was to travel by Train No.12445 on 13/11/2012 and 6/1/2013 whereas he travelled by train No.12425 on both the days. The arrival time of train number 12445 at JAT is 05.40 hrs whereas train number 12425 arrives at JAT at 06.35 hrs. Thus by falsely claiming TA for journeys in train number 12445, Shri Azad became eligible for higher TA which was not admissible to him, he actually having travelled by 12445. As such Shri Azad submitted false TA claims and availed higher amount fo TA for his above two journeys.

- (ii) In his TA journals for the period from October 2012 to March, 2013, Shri Suresh Kumar Azad has claimed higher conveyance charges for his travel from New Delhi Railway Station to his residence at P.K. Road and back.
- (iii) Shri Suresh Kumar Azad has been claiming under Section 80-DDB in respect of treatment of his father. However, Shri Azad has failed to follow the norms prescribed under Section 80-DDB of Income Tax Act and did not submit the required details in the prescribed format while claiming the benefit.

By his above acts of omissions and commissions Shri Suresh Kumar Azad, Dy.FA&CAO/Const./JAT has failed to maintain absolute integrity, and has acted in a manner unbecoming of a Railway servant in contravention of Rule 3 (1) (i) & (iii) of Railway Service (Conduct) Rules, 1966 from time to time."

2. The applicant was given an opportunity to submit his representation. On the same day i.e. 31.05.2013, minor penalty of 'censure' was imposed upon the applicant based on charges leveled against him. The applicant submitted an appeal dated 12.06.2013, which also came to be rejected vide order dated 2.08.2016. In this background, the applicant has filed this OA praying for the following reliefs:

"8.1. The Hon'ble Tribunal may graciously be pleased to allow this OA and quash and set aside the penalty order dated 2.08.2016 rejecting the appeal and

confirming the 'censure' penalty earlier passed by respondent no.2 on 31.05.2013.

2. The cost of suit and any other relief which the Hon'ble Tribunal considers justifiable may also be awarded to the applicant."

3. The respondents in their reply have stated that charges framed were specific and proved. It is further stated that action has been taken in accordance with the advice given by the UPSC and the penalty of 'censure' is not excessive. It is thus prayed that OA may be dismissed.

4. Heard the applicant, who appeared in person and Shri Shailendra Tiwari, learned counsel for the respondents.

5. Having heard the parties and perused the record, I am of the view that the applicant has not been able to make a case in his favour. He has failed to convince this Tribunal that charges leveled against him were not specific and definite. The applicant acted in a manner unbecoming of a government servant and failed to maintain absolute integrity. The Tribunal finds that penalty of 'censure' inflicted on the applicant, in the facts involved in the case, is not excessive at all.

6. In view of above discussion, I find no merit in the OA and it is, therefore, dismissed. No costs.

(Ashish Kalia)
Member (J)

/dkm/