

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/473/2017

Date of decision: 25.07.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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Mulayam Singh son of Bharat Singh aged about 55 years, Goods Guards, Group-D, R.o Quarter No. 1-B, Railway Colony, No, 1, opposite Railway Station, Ludhiana. Group D.

... APPLICANT

VERSUS

1. Union of India, Northern Railway, Baroda House, New Delhi through its General Manager.
2. Divisional Railway Manager, DRM Office, Northern Railway, Ferozepur Cantt.
3. Sr. D.O.M. DRM Office, Northern Railway, Ferozepur Cantt.
4. S.P. Bhatia, Divisional Traffic Manager, Opposite Railway Hospital, Backside of Railway Station, Northern Railway, Ludhiana.

... RESPONDENTS

PRESENT: Sh. Binat Sharma vice Sh. Chandan Singh Rana, counsel for the applicant.
Sh. G.S. Sathi, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant is aggrieved against order dated 06.01.2016 and 21.06.2016, whereby the respondents have cancelled one set of privilege pass issued to him, as a measure of penalty.
2. The facts are largely not in dispute

3. The applicant, who was working as Goods Guard with Northern Railway at Ludhiana, remained absent from duty from 24.11.2015 to 26.11.2015. As a result of his conduct, he was served with a charge-sheet to which the applicant submitted reply. Dis-satisfied with the reply of applicant and for not giving any justified reasons for absenting from duty, competent authority inflicted punishment of cancelling one set of privilege pass of the applicant. Appeal against that order was also dismissed by the appellate authority by passing order dated 21.06.2016. Against these orders the applicant is before this Court.
4. We have heard learned counsel for the parties.
5. Learned counsel for the applicant fails to point out any illegality in procedure adopted by the respondents in inflicting punishment. He submitted that even after punishment, applicant has been harassed.
6. Learned counsel for the respondents submitted that due procedure has been followed by the respondents and thereafter minor punishment has been inflicted, therefore, this O.A. be dismissed.
7. We have given our thoughtful consideration to the matter and are in agreement with the submission made at the hands of the respondents that this O.A. deserves dismissal simply on the ground that applicant himself has admitted that he remained absent from duty from 24.11.2016 to 25.11.2016. After considering his reply, respondents have passed order cancelling one set of privilege card issued to him for a particular year i.e. 2015.
8. In the case of **Central Bank of India vs. Karunamoy Banerjee**, AIR 1968 SC 266 the Supreme Court has observed that "We must, however, emphasize that the rules of natural justice, as laid down by this Court, will have to be observed, in the conduct of a domestic

enquiry against a workman. If the allegations are denied by the workman, it is needless to state that the burden of proving the truth of those allegations will be on the management; and the witnesses called, by the management, must be allowed to be cross-examined, by the workman, and the latter must also be given an opportunity to examine himself and adduce any other evidence that he might choose, in support of his plea. But, if the workman admits his guilt, to insist upon the management to let in evidence about the allegations, will, in our opinion, only be an empty formality". In nutshell, if a workman against whom disciplinary proceedings are instituted, admits his guilt, there is no necessity for the management to hold any enquiry.

9. The Apex Court in the case of **Channabasappa Basappa Happali, vs. The State of Mysore**, AIR 1972 SC32, has observed that – "it was contended on the basis of the ruling reported in R. v. Durham Quarter Sessions; Ex parte Virgo, (1952 (2) QBD 1) that on the facts admitted in the present case, a plea of guilty ought not to be entered upon the record and a plea of not guilty entered instead. Under the English law, a plea of guilty has to be unequivocal and the Court must ask the person and if the plea of guilty is qualified the Court must not enter a plea of guilty but one of not guilty. The Police constable here was not on his trial for a criminal offence. It was a departmental enquiry, on facts of which due notice was given to him. He admitted the facts. In fact his counsel argued before us that he admitted the facts but not his guilt. We do not see any distinction between admission of facts and admission of guilt. When he admitted the facts, he was guilty. The facts speak for themselves. It was a clear case of indiscipline and nothing less".

In case a petitioner or applicant admits the charge against him or makes an unconditional and unqualified confession then there is nothing more to be done away of enquiry and it cannot be argued that the procedure of departmental enquiry should have been applied notwithstanding such admission or confession held in **J.L Toppo vs. Tata Locomotive & Engg. Co. Ltd.,** 1964 ICR 586 (IC).

10. Moreover, since penalty period has already expired, therefore, we see no reason to interfere in the matter.
11. The O.A. is found to be devoid of any merit and accordingly dismissed, leaving the parties to bear their own costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 25.07.2018.
Place: Chandigarh.

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