



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA No. 350/01488/2016

Date of Order: 28.09.2016

Coram:

The Hon'ble Mr. Justice Vishnu Chandra Gupta, Judicial Member
The Hon'ble Ms. Jaya Das Gupta, Administrative Member

ABDUL RAUF
V/S
S.E.RLY

Mr.M.Mondal Advocates for Applicant(s)
None Advocate for the Respondents

ORDER

JUSTICE V.C.GUPTA, JM:

Heard the learned counsel for the Applicant and perused the records.

2. It reveals from the record that after being found guilty in a major penalty proceedings initiated against the applicant, the Disciplinary Authority awarded him the punishment vide order dated 12.07.2016 which reads as under:

"S.E.RAILWAY

Office of the
Sr.Divl.omml.Manager/Adra,
Date-12.07.2016

No.Con/Comml/CBS/656/14

To
Sri Abdul Rauf,
CBS/BJE
C/o.SMR/BJE.

Sub: Major Penalty Charge Sheet No.Con/Comml/CBS/656/14
dt. 26.12.14.

I, being the Disciplinary Authority in this case have gone through the full major penalty D&A case including the Article of charge framed against you, the Relief Upon Documents, your explanation against the charge sheet, the oral and documentary evidences as adduced before the EO, the deposition given by the PWs, DWs, the Enquiry Officer's report dtd 17.05.16 and proceedings as well as final defence brief submitted by you on 16.06.16 against the enquiry report of E.O applying my mind judiciously.

It is observed from the article of charge framed against you in the instant case that while you were working as CBS/BJE on 30.05.14 at Booking office/BJE a vigilance check was conducted for stock of on hand Printed Card Ticket under your custody. In course of check you have failed to produce total 5573 Nos. Of PCTs (II/ME class of 9 destination stations in Foreign Railway and 2 stations in Local Railway) amounting to a face value on current fare price for Rs. 8,08,680/-.

After acknowledging the charge memorandum, you had submitted a representation asking some additional documents along with the name of defence witnesses and consent letter of Mr. M.E.Haque, Ex Driver who had given consent want to act as Defence counsel in this case. As you want to defend your case, hence the case was remit for enquiry by nominating Sri B.K.Sahu, Dy. CCM(CP)/Kol as E.O for conducting necessary investigation in this cae. But after superannuation of Sri B.K.Sahu, Sri M.R.Das, E.O/GRC was nominated as E.O.

After conducting details investigation Sri M.R.Ds, E.O/GRC has submitted his enquiry report dtd. 17.05.16 along with enquiry proceedings. As the Enquiry Offic conducted enquiry in accordance with the rule 9(25) and all reasonable opportunities have been extended to Sri Rauf to defend himself and no violation ;of principles of natural justice observed hence, I have accepted the enquiry report.

After acknowledging the enquiry report of E.O/GRC, ;you have submitted your final defence statement dtd. 16.05.16 addressed to the undersigned.



In response to your request, I have minutely gone through your final defence against the enquiry report of E.O.

On consideration of your final defence statement dtd 16.06.16, I the undersigned being the Disciplinary Authority observed that you have pointed out that proper procedure had not been followed while destroying the obsolete PCTs by the team including yourself.

It has also indicated that all the obsolete PCTs were sorted out and put them into a bag which was also sealed in presence of the team. On the date of destroying them on 16.05.14, the bag opened and destroyed the obsolete PCTs without verifying with the vetted list from Accounts but you cannot deny your responsibility as you were also one of the member of the team and custodian of the PCTs.

It has also been observed in the Enquiry report submitted by the Enquiry Officer that the responsibility cannot be evolved only on the shoulder of the CO, but should be shared by the team.

Considering the whole aspects of the case and keeping in mind the date of his superannuation, I beg the natural Disciplinary Authority take lenient view and pass the following order as a measure of punishment which in my opinion commensurate with the gravity of offence to meet the ends of justice.

"Reduction of your pay by 2 (two) stages in same PB and GP i.e. PB 9300-34,800/- + GP Rs.4600/- for a period of 02 months which will not have the effect of postponing future increment of your pay in terms of Rule 6 (v) of Railway Servant (D&A) Rule 1968."

If you wish to prefer an appeal you may do so to the next higher authority within 45 (forty five) days of receipt of this notice with respectful and



proper language under your own name and signature.

Please acknowledge the receipt of this notice."

3. At the same time, the applicant was directed to pay an amount of Rs. 16, 04,570/-. Appeal has been preferred by the applicant against this order of punishment. Memo of appeal has been annexed as Annexure-A/5 dated 19.09.2016. Thus, we are of the view that this OA is premature in view of section 20 of the Administrative Tribunals Act, 1985. However, liberty is granted to the applicant to avail of the opportunity of seeking stay before the Appellate Authority and in such an event, the Appellate Authority may consider the request of the applicant and pass a reasoned order.

4. This OA is accordingly dismissed as premature. No costs.

(Ms. Jaya Das Gupta)
Administrative Member

(Justice V.C. Gupta)
Judicial Member