

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00559/15

Date of Order: 07.03.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Bali Rai, S/o Late Mank Raj, R/o Village- Santha, PO – Saidpur Jhaua, PS – Awatar Nagar and the District- Sarabn.

Presently working to the post of Sr. Trackman, under Assistant Section Engineer (Rail Path), South Eastern Railway Office at Shahpur Patori, District- Samastipur.

.... Applicant.

By Advocate: - Mr. S.S.P. Yadav

-Versus-

1. The Union of India through the Chief Secretary, Ministry of Railway, Govt. of India, New Delhi.
2. The Chairman, The Railway Board, New Delhi.
3. The General Manager, the East Central Railway at Hazipur, District- Vaishali.
4. The Divisional Railway Manager, East Central Railway at Sonapur, District- Saran.
5. The Divisional Engineer, Sonapur Railway Division, East Central Railway at Sonapur, District- Saran.
6. The Sr. Divisional Engineer, Sonapur Railway Division at Sonapur, District- Saran.

.... Respondents.

By Advocate: - Mr. Mr. Mukundjee, Sr. Panel Counsel
Mr. S.K. Ravi, SC for Railways.

O R D E R
[ORAL]

Per Dinesh Sharma, A.M.:- The OA is against the order dated 16.09.2014 passed by Divisional Engineer, East Central Railway, Sonapur dated 16.09.2014 by which punishment of stoppage of increment of one year was imposed upon the applicant. This order was confirmed in appeal by the Sr.

Divisional Engineer, EC Railway, Sonapur by its order dated 23.04.2015. The applicant has claimed that this order was imposed against him since he had opposed the corrupt practices in the offices by the respondents' officials. He has also alleged that this is by way of a revenge activity because of his complaint before respondent no. 5 about demanding of bribe by respondent no. 7. He alleges that a false story of misbehaviour was concocted against him and the penalty was imposed by the impugned order for which no proper proceeding was held to the knowledge of the applicant.

3. The respondents have denied the claim of the applicant. They have alleged that the applicant himself had accepted the charge of misbehaviour against him in writing. They have produced the statement annexed at Annexure R/A. They have also produced other complaints of misbehavior against the applicant by other employees of the Department (Annexure R/C).

4. The applicant has filed a rejoinder in which he has alleged that he was made to sign on a blank paper and therefore any punishment on that ground is not maintainable. Regarding Annexure R/C the applicant has claimed the complainants therein to be "hired witnesses who were the pets of respondent no. 7".

5. After going through the pleadings and hearing the learned counsels of both the parties, it is clear that a minor punishment has been imposed on the applicant for the alleged misbehaviour by the applicant. The applicant has only thrown counter charges against the respondents in his OA and rejoinder. These do not in any way help in proving that the

punishment imposed on him has been wrongly done. Therefore, we do not see any valid reason for allowing this OA. The OA is dismissed accordingly.

No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member