

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.4287/2014

New Delhi, this the 10th day of October, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

G. K. Soti, Aged 48 years,
S/o Sh. S. K. Soti,
Working as CIT in Northern Railway,
Ambala Division under CIT/L/SRE.
Permanent r/o H. No. 01, Takshila Colony,
PAC Road, Murdabad (UP).

...Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Chief Commercial Manager/PS,
Northern Railway, Baroda House, New Delhi.
3. The Addl. Divisional Railway Manager,
DRM Office, Northern Railway,
Muradabad (UP).
4. The Sr. Divisional Commercial Manager,
DRM Office, Northern Railway,
Muradabad (UP).

...Respondents

(By Advocate: Mr. Satpal Singh with Ms. Neetu Mishra)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:-

We are indeed shocked and surprised to know the manner in which the senior officials in the Northern

Railway (NR) have targeted one officer only on account of his submitting a report in the capacity of an Inquiry Officer (IO), not to the liking of the administration. In the process not only the Disciplinary Authority (DA) but also the Appellate Authority (AA) and Revisionary Authority (RA) crossed all the limits of propriety and legality and reduced the entire process to the one of their personal likes and dislikes.

2. The applicant was working as Chief Inspector of Tickets (CIT) in the Moradabad Division of NR. He was appointed as IO in the disciplinary proceedings against one Mr. Sandeep Verma. He submitted a report after conducting an inquiry. The administration initiated major penalty proceedings against the applicant in connection with his role played as an IO, alleging that the applicant has misdirected the inquiry.

3. Thereafter, he was issued a minor penalty charge memorandum on 23.05.2013 alleging that he misbehaved with the IO appointed in the major penalty proceedings initiated against him. The applicant submitted his explanation denying the charge. The DA passed an order dated 10.06.2013 imposing the penalty of reduction of pay by one stage in the same pay band for a period of 03 years

without cumulative effect. The appeal preferred by the applicant was rejected by the Additional Divisional Railway Manager (ADRM) on 14.08.2013. The Revision preferred by him was rejected by the Chief Commercial Manager (CCM) through order dated 19.03.2014. This OA is filed challenging the order of punishment imposed by DA and as affirmed by AA and RA.

4. The applicant contends that the very initiation of the disciplinary proceedings against him in relation to his functioning as IO was an act of vindictiveness and initiation of another set of disciplinary proceedings was totally unsustainable in law. He contends that the allegation that he did not cooperate with the IO or that he used rough and abusive language was totally incorrect and it was not proved through any known means of law. He submits that the way the developments have taken place against him, would only indicate that concerted efforts were made to penalise him for the independent view that he has taken in the disciplinary proceedings against one of the employees.

5. Respondents filed a counter affidavit opposing the OA. It is stated that the major penalty proceedings were initiated against the applicant regarding his conduct in the

disciplinary proceedings and the minor penalty proceedings were initiated on account of his misconduct in the said proceedings with the IO. It is also stated that the DA, AA and the RA have examined the matter from the correct perspective.

6. We heard Mr. Yogesh Sharma, learned counsel for the applicant and Mr. Satpal Singh with Ms. Neetu Mishra, learned counsel for the respondents.

7. It all started with the appointment of the applicant as an IO against one of the employee by name Mr. Sandeep Verma. Alleging that the applicant permitted an outsider to be examined as witness in the said inquiry, major penalty disciplinary proceedings were initiated against him. The applicant was issued a minor penalty charge memorandum on 23.05.2013. The allegation made therein is that on 09.03.2013, the IO asked the applicant, as to why, he is not attending the inquiry and thereupon the applicant had replied by stating that he holds a LLB degree and he would drag him to Court. In other words, the allegation was that the applicant did not cooperate with the IO in the major penalty proceedings. Assuming that to be true, the IO could have set the applicant ex-parte or proceeded further in accordance with the rules. Issuance of another charge

memorandum in relation to developments that is said to have taken place in the inquiry is totally impermissible in law.

8. The occasion to impose penalty on the applicant would have arisen if only the allegation was held proved or there was no controversy about it. The punishment of this nature without conducting inquiry is imposed when the allegations are borne out of record. The applicant categorically stated that he did not use rough and abusive language against the IO. On the other hand, he narrated the sequence of events ever since the disciplinary proceedings were initiated against him. The DA proceeded to impose the punishment of reduction of pay scale by one stage.

9. Whether one takes into account, the circumstances under which the minor penalty charge sheet was issued to the applicant or the manner in which the so called minor penalty was imposed against him, there was a clear deviation from the settled procedure. The allegations of the applicant that he was pressurised to submit a report in a particular manner, assumes significance in this behalf. Though, that is a matter to be taken into account, in the major penalty proceedings, the sequence of events and

particularly, the tone and tenor of the order of the RA speaks volumes about the prejudice which certain officers had against the applicant.

10. We are of the view that the impugned orders cannot be sustained in law and are accordingly set aside. The OA is allowed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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