

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.020/00333/2019

Date of Order :12.04.2019.

Between :

M.Prasad, s/o Late Anjaneya,
Aged about 59 yrs, Occ:Senior Divisional
Mechanical Engineer, Gr 'C', South Central
Railway, Guntur Division, r/o 21-10/5, 57A,
Teachers Colony, 3rd Lane,
Muthyalampadu, Vijayawada.

...Applicant

And

1. Union of India, rep., by Secretary,
M/o Railways, Rail Bhavan,
New Delhi.

2. The General Manager (Personal Branch),
South Central Railway, Rail Nilayam,
Secunderabad.

... Respondents

Counsel for the Applicant ... Mr.V.Roopesh Kumar Reddy

Counsel for the Respondents ... Mr.S.M.Patnaik, SC for Rlys.

CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)**

ORAL ORDER

(As per Hon'ble Mr.Justice L.Narasimha Reddy, Chairman)

The applicant is working as Senior Divisional Mechanical Engineer in the South Central Railway. A trap was laid against him by the CBI on the allegations made by a contractor that the applicant is demanding a sum of Rs.20,000/- as illegal gratification for signing an agreement in relation to a contract. On the basis of the events that took place in the trap, FIR RC No.06(A)/2018-CBI/VSP was lodged on 03.05.2018 against the applicant by alleging offences punishable under Section 7 & Section 13(2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988. The respondent-department issued a charge memo dated 11.12.2018. The applicant was required to submit his explanation. The applicant made a representation dated 28.12.2018 to the respondents stating that the Relied Upon Documents (RUDs), supplied to him, were signed by the authority not authorized to do so and accordingly returned RUDs.

2. This OA is filed with a prayer to declare the action of the respondents in not considering the representation of the applicant dated 28.12.2018 for supplying the records pertaining to the charge memo dated 11.12.2018 as illegal, arbitrary and unconstitutional.

3. We heard Mr.V.Roopesh Kumar, learned counsel appearing for the Applicant and Mr.S.M.Patnaik, learned standing counsel appearing for the Respondents.

4. The only grievance ventilated in this OA is about the alleged inaction on the part of the respondents with reference to the representation dated 28.12.2018. To be precise, the representation of the applicant reads as under:

“Nanded
Date:28.12.18

To
The General Manager,
Disciplinary Authority,
Rail Nilayam,
South Central Railway,
Secunderabad.

(Through proper channel)

Respected Sir,

Sub:- Returning of unauthenticated Relied upon documents of annexure III of charge memo – SF 5 – Reg.

Ref:1. GM/SCR letter No.SCR/P.HQ/426(a)/Con/M-7/107
Dated:12.12.2018.

While acknowledging the receipt of charge memorandum under reference, received by me on 21.12.18 it is to submit to your kind notice that on verification of Relied upon documents (29) which are part of annexure-III found that Relied upon documents (RUDs) are not authenticated by the competent authority, hence I am hereby returning RUDs for your kind information & necessary action.

In this connection respectfully submitting the extant instructions issued under RS (D&A) Rules amended from time to time to your kind notice sir.

As per the para No.2 (a) of master circular No.67 issued by Railway Board vide RBE No.28/2004, the charge sheet should be issued by the appropriate Disciplinary Authority prescribed in the schedules. It is also essential that the charge sheet is signed by the Disciplinary Authority himself and not by any lower authority on his behalf. (Copy enclosed).

Charge sheet contains Annexure.III which includes (RUDs) Relied upon documents. RUDs are indispensable with the Charge sheet, it cannot be seen as separate papers. Hence, all pages of charge sheet including RUDs of annexure III must be signed by appropriate DA and not by any lower authority.

Whereas charge sheet, which was served on me having the RUDs of annexure.III not signed by the competent authority and it was signed by lower grade officer.

In this connection with due respects, it is to bring to your kind notice that as per RS (D&A) Rules as stated above, all the pages of the charge sheet are to be signed by DA (competent authority) after verification of original documents.

Therefore, the said unauthenticated documents mentioned in Annexure-III of charge sheet received by me on 21.12.18 (RUDs no.29) are returned herewith for taking appropriate action at your end please.

Please be obliged sir.

Enclosures: 1) Page No.1 to 32 of Master Circulars
ii) RUD's 1-29 Docs

Yours Sincerely,
Sd/-
M.Prasad
Sr.DSO/NED
O/o DRM/Nanded Division"

5. From a perusal of the same, it is evident that all the documents, relied upon, were supplied to the applicant and the only objection, which the applicant wanted to convey was that they were not signed by the competent authority. One hardly makes an objection of this nature. It is the fancy of the applicant that RUDs must be signed by a particular authority. If he wants to refuse to receive them, it is always his prerogative. He cannot teach the respondents the manner in which the documents have to be supplied. At any rate, he did not make any request in the representation for supply of any documents. He has just returned the documents and the representation is mostly by way of information.

6. On their part, the respondents informed the applicant through a communication dated 17.01.2019 that documents have been furnished to him in accordance with the rules and stated that he can submit his explanation.

7. We do not find any basis or occasion to grant the relief vis-a-vis the representation dated 28.12.2018.

8. Across the Bar, it is stated that the applicant made a representation to permit him to peruse certain records, which are available in the office of DSP, CBI, Visakhapatnam. On this, a letter dated 25.03.2019 was addressed by the respondents requiring the applicant to meet Shri Ch.V.Narendra Deve, DSP/CBI/Visakhapatnam. The learned counsel for the Respondents has made available an endorsement dated 10.04.2019, wherein the applicant stated that he has perused the records in the presence of DSP/CBI, Visakhapatnam.

9. Therefore, we do not find any basis to grant relief to the applicant.

10. The OA is accordingly dismissed. There shall be no order as to costs.

**(NAINI JAYASEELAN)
MEMBER (ADMN.)**

**(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN**

Dated: this the 12th day of April, 2019
Dictated in the Open Court

Dsn.