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Central Administrative Tribunal  
Principal Bench

OA No.327/2003

New Delhi this the 11<sup>th</sup> day of August, 2004.

Hon'ble Mr. V.K. Majotra, Vice-Chairman (A)  
Hon'ble Mr. Shanker Raju, Member (J)

Chet Ram S/o Sh. Mithoo Lal,  
Tele. Khallasi,  
Northern Railway, Baroda House,  
New Delhi.  
(By Advocate Shri Prakash Chandra)

-Applicant

-Versus-

Union of India through:

1. General Manager,  
N. Rly, H.Q. Office,  
Baroda House,  
New Delhi.
2. D.R.M. N. Rly,  
New Delhi.

-Respondents

(By Advocate Shri J.P. Srivastava)

**ORDER (ORAL)**

***Mr. Shanker Raju, Member (J):***

Applicant impugns respondents' order dated 31.1.2002, upholding the reduced punishment for reinstatement in service on the initial post of Waterman from the penalty of removal awarded by the appellate authority.

2. At the time of admission notice was issued by the Tribunal only on the ground of parity of reasoning in awarding punishment upon applicant.

3. Learned counsel of applicant Shri Prakash Chandra contends that whereas the charges alleged against S/Shri Chet Ram, Guru Dutt and Bhatia were identical yet they have been awarded lesser punishment of reduction in pay cumulatively whereas the punishment of reduction in rank imposed upon

applicant smacks of arbitrariness, discrimination and violative of Articles 14 and 16 of the Constitution of India.

4. The aforesaid has been vehemently opposed by the learned counsel for respondents who contended that the charges alleged against others were different and as the charges alleged against applicant are serious the punishment is not discriminatory.

5. We have carefully considered the rival contention of the parties and perused the material on record.

6. In *State of U.P. Vs. Raj Pal Singh* 2002 (2) SCSLJ 60, the Apex Court as regards discrimination in the matter of punishment observed as under:-

“Though, on principle the ratio in aforesaid cases would ordinarily apply, but in the case in hand, the High Court appears to have considered the nature of charges leveled against the five employees who stood charged on account of the incident that happened in the same day and then the High Court came to the conclusion that since the gravity of charges was the same, it was not open for the disciplinary authority to impose different punishments for different delinquents. The reasonings given by the High Court cannot be faulted with since the State is not able to indicate as to any difference in the delinquency and once charges are established to award appropriate punishment. But when the charges are same and identical in relation to one and the same incident, then to deal with the delinquents differently in the award of punishment would be discriminatory. In this view of the matter we see no infirmity with the impugned order requiring our interference under Article 131 of the Constitution. Though the High Court by the impugned judgment has directed that the delinquent would be paid 50% of the back wages, but having regard to the nature of charges against the respondents, we are not inclined to allow any back wages from the period of dismissal till the date of reinstatement. We are told that he has been reinstated on 5.11.1997. We make it clear that respondent will not be entitled to any back wages from the date of dismissal till 5.11.1997.”

7. If one has regard to the above, sine qua non of application of Article 14 of the Constitution of India in inflicting punishment is that charges established in the cases of others should be identical relating to the same incident.

8. If one has regard to the above, applying the ratio to the present case applicant who was Incharge of Booking Station is alleged to have received two bags of Tickets from Parcel Office and had made an entry in the indent book but failed to account for these tickets in the stock register. He is also alleged to have sold illegally the tickets.

9. The enquiry officer held him guilty of the above charges except selling of tickets No.29569 to 29572. The disciplinary authority held applicant guilty and imposed a punishment of removal from service for not entering the tickets into the stock register and also selling the tickets without entry. Whereas the chargesheet issued to Guru Dutt, one of the persons alleged to have connived shows that he has been charged for removing two bags of tickets and his failure to show further disposal.

10. The chargesheet issued to Chet Ram is for selling tickets without punching the date and pocketing the amount. Accordingly selling of the tickets unauthorizedly is a common charge against all the delinquents while the additional charge levelled against applicant is his irresponsible and negligent act being Incharge of the Booking Office on receipt of the tickets bags of not making any entry in the stock register.

11. As the charges leveled against applicant and established in the disciplinary proceedings are different and not identical with others who have been awarded lesser punishment, we are satisfied that having regard to the gravity the punishment imposed is proportionate.

12. As we do not find any discrimination in the matter of infliction of punishment upon applicant as compared to others Article 14 of the Constitution of

India would have no application. Accordingly OA is dismissed as devoid of merit. No costs.

*S. Raju*  
(Shanker Raju)  
Member(J)

*V.K. Majotra*  
(V.K. Majotra) 11.8.04  
Vice-Chairman (A)

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