

**IN THE ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**T.A NO. 687 OF 2009  
(WRIT PETITION (C) NO.2490 OF 2001)**

**MAJ. AJAI GARG**

**...APPELLANT**

**VERSUS**

**UNION OF INDIA AND OTHERS**

**...RESPONDENTS**

**ADVOCATES**

**MR. R.K HANDOO FOR THE APPELLANT**

**MS. JYOTI SINGH**

**WITH**

**LT. COL. NAVEEN SHARMA FOR THE RESPONDENTS**

**CORAM :**

**HON'BLE MR. JUSTICE S.S.KULSHRESTHA, MEMBER**

**HON'BLE LT. GEN. S.S.DHILLON, MEMBER**

**J U D G M E N T**

**13.12.2010**

1. Maj. Ajai Garg approached the Delhi High Court by filing W.P (C) No. 2490 of 2001 for quashing the General Court Martial (GCM) proceedings dated 15.12.1999 and the order dated 23.11.2000. He also sought that direction be given to the respondents to consider him for

promotion without prejudice to the findings and sentence awarded by the GCM. On formation of this Tribunal, the case was transferred for disposal under Section 15 of the Armed Forces Tribunal Act 2007 by treating it as an appeal.

2. The factual matrix giving rise to this appeal is: On 24.12.1995, the appellant, along with his wife and his two brothers, their wives, proceeded from Delhi Cantt. to old Delhi Railway Station by train to join Commodore C.P Gupta at Masonic Club for Christmas celebrations. At the platform, the appellant was intercepted stating that the appellant and his brothers were to undertake journey to Jammu availing second class Army railway concessional tickets meant for jawans allegedly issued by the appellant.

3. Counsel for the appellant contended that the appellant was falsely implicated in the case due to enmity. The appellant was never in possession of the concession vouchers but they were in the physical custody of the concerned clerk, who was responsible for the custody of the concession vouchers. The concession vouchers in question were issued after getting his signature in the Warrant Issue Register. There was no audit

objection on the alleged concession vouchers. Subsequent to the arrest and the lodging of the First Information Report, the appellant was attached to 218 Medium Regiment at Delhi on 5.9.1998, where the GCM was convened for offences under Army Act Sections 52(f) and 57(c). The GCM conducted the proceedings in flagrant violation of the Army Act and the Rules. The GCM found the appellant guilty of having committed the offences under AA Sections 52(f) and 57(c) and sentenced him to be reprimanded with forfeiture of two years services at the time of retirement. His representation against the punishment was also rejected in a perfunctory manner, without stating any reasons. The appellant was denied the opportunity of defending his case properly. Furthermore, the mandatory provisions of Army Rules 22 to 26 were violated by not allowing the appellant to produce defence witnesses. The appellant was not afforded the opportunity to cross examine the witnesses thereby vitiating the entire trial. To sum up, it is stated that the GCM was based on conjectures and surmises and no cogent and convincing evidence was adduced by the prosecution to find the appellant guilty of the charges framed.

4. The appeal was resisted by the respondents contending, inter alia, that the appellant is trying to mislead this Tribunal by putting across a

distorted version of the events. As per the first information report, during a surprise check of Coach No. S4 in 2403 Jammu Express, the appellant was found travelling along with his wife, two brothers and their wives on second class ticket (No. 27757125 PNR 610866) against military concession (Voucher No. 829332) issued by the appellant under his own signature as Officer Commanding, 7 Infantry Brigade Signal Company in the name of Nb. Sub. Sunil Kumar, when there was no such person named Nb. Sub. Sunil Kumar working under the appellant and such name was used only as a cover to fraudulently get the benefit of the concession voucher for himself and his family members. The story that the appellant had gone along with others to have dinner at Mosonic Club near old Delhi Railway Station is a cooked up one. The documents were to be kept in the custody and accounted for by the appellant. Even if the concession vouchers were handed over to the dealing clerk for custody against the orders on the subject, their utilisation was based only on instructions of the custodian (the appellant in this case). On 25.1.1995, the appellant asked Nk. Mohinder Singh to bring concession voucher book. He then removed concession vouchers from the book and returned the book to him to fill up the details of Nk. D.R Singh, Nk. Satpal Singh and L/Nk. Guruswamy on

counterfoils. It is clear from the evidence that these concession vouchers were not used by the aforesaid persons whose names had been shown in the counterfoils. His impending move out of 7 Infantry Brigade Signal Company by handing over charge to Maj. DPS Chahal on 28.1.1995, three days after removing the concession vouchers, reflects on the intention of the appellant to misuse them at a later stage. Counsel for the respondents denied the plea made by the appellant that hearing of the charges was initiated after a delay of over three years and completed hastily in violation of Army Rule 22. The hearing was held on 28.11.1998 well within three years from the date of detection of offence i.e. 24.12.1995. Army Rule 22 was strictly adhered to during the hearing of the charges and the appellant was not denied the opportunity to defend his case.

5. The appellant was tried separately from the co-accused for the following charges:

**1<sup>ST</sup> CHARGE**  
**ARMY ACT SECTION 52(f)**

**SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 52 OF THE ARMY ACT, WITH INTENT TO CAUSE WRONGFUL GAIN TO A PERSON,**

**in that he,**

at New Delhi, on 02 December 95, with intent to cause wrongful gain, to himself, got IAF 1720-A (concession voucher) bearing machine number 82L 829332 exchanged, for ticket number 27757125 (PNR No. 610866) which came to the knowledge of the authority competent to initiate action or or about 24 December 95.

**2<sup>nd</sup> CHARGE**  
**ARMY ACT SECTION 52(f)**

**SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 52 OF THE ARMY ACT, WITH INTENT TO CAUSE WRONGFUL GAIN TO A PERSON,**

**in that he,**

at New Delhi, on 01 December 95, with intent to cause wrongful gain, to himself, got IAF 1720-A (concession voucher) bearing machine number 82L 829334 exchanged, for ticket number 27757127 (PNR No. 320008), which came to the knowledge of authority competent to initiate action or or about 24 December 95.

**3<sup>rd</sup> CHARGE**  
**ARMY ACT SECTION 52(f)**

**SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 52 OF THE ARMY ACT, WITH INTENT TO CAUSE WRONGFUL GAIN TO A PERSON,**

**in that he,**

at New Delhi, on 01 December 95, with intent to cause wrongful gain, to himself, got IAF 1720-A (concession voucher) bearing machine number 82L 829340 exchanged, for ticket number 27757126 (PNR No. 710044), which came to

the knowledge of authority competent to initiate action on or about 24 December 95.

**4<sup>th</sup> CHARGE**

**ARMY ACT SECTION 57(c)**

**KNOWINGLY AND WITH INTENT TO DEFRAUD MAKING AWAY WITH A DOCUMENT WHICH IT WAS HIS DUTY TO PRESERVE,**

in that he,

at Faizabad, between 01 July 93 and 31 January 95, while being Officer Commanding 7 Infantry Brigade Signal Company, with intent to defraud removed following concession vouchers IAFT-1720-A bearing machine number 82L 829301 to 82L 829400, the documents, which it was his duty to preserve, which came to the knowledge of the authority competent to initiate action on or about 24 December 95:-

<u>Serial</u>	<u>Concession Voucher No.</u>
(a)	82L 829331
(b)	82L 829333
(c)	82L 829335
(d)	82L 829336
(e)	82L 829337
(f)	82L 829338
(g)	82L 829339
(h)	82L 829341
(j)	82L 829342

In support of its case, the prosecution examined PWs 1 to 17. On the side of defence, DWs 1 to 12 were examined.

6. **PW 1 Lt. Divay Sardana** produced counterfoils of Form IAF-1720A bearing Sl. Nos. 82L-829331 to 82L-829342 of 7 Infantry Brigade Signal Company, which were marked as Exhibits 'P' to 'AA'. Further, Exhibits 'BB' to 'ZZ' and 'AAA' and 'BBB' were also marked through him. There is no dispute with regard to the filing of these documents. PW 1 remained a formal witness. **PW 2 Nk. Muralidharan** has stated about handing over the sealed envelope to the CBI and having obtained receipt thereof. **PW 3 Nk. D.R Singh** made it clear to the CBI while questioning that he was never issued Railway warrant and if it was issued in his name, he would have signed on the back of the counter foils. He also denied to having taken leave during the relevant period to undertake the journey with the Railway warrant allegedly issued in his name. **PW 4 Nk. Satpal Singh** denied of having availed concessional vouchers for any journey. Further, he also denied having travelled from Faizabad to Jagadhari between 25.1.1995 and 30.1.1995 on the basis of the vouchers allegedly issued in his name. **PW 5 Sub Inspector P.S Adhikari** is a formal witness and has stated about the preparation of the seizure memo. **PW 6 Nk. Mohinder Singh** deposed that on 25.1.1995, the appellant had called him to his office and demanded the book containing concession vouchers. According to him, the appellant



removed concession vouchers and returned the book to him. When he came to know that the appellant had taken ten concessional vouchers, he wanted to know as to whose names were to be written in the counterfoils, to which the appellant gave five names, viz. Sigm. Satpal Singh, Sigm. D.R Singh, Sigm. M. Guruswamy, L/Nk. M. Murthy and Hav. Hazari Sah. The appellant thereafter kept the concession vouchers in a briefcase in his presence. When PW 6 enquired whether all these officers were going on leave, the appellant abused him stating "Bloody, OC tu hai ya main hu". The appellant then told him that he would enter the names in the counterfoils and in his presence, the appellant signed on the counter foils. He proved Exhibits 'P' to 'AA' as the counter foils in respect of the concessional warrant taken by the appellant. Further, he admitted of having not followed the procedure while filling up the counter foil. Neither had he received leave applications nor did he make any entry in their pay books. PW 6 identified Exts 'P' to 'Y' as the ten concession vouchers taken by the appellant. The signatures on Exts. 'P' to 'Y' were identified by him as that of the appellant.

7. **PW 7 Constable Hem Karan Yadav**, who was, at the relevant time, was posted in NSG, has stated that on 29.11.1995, the appellant gave

him three requisitions and three Railway warrants and sent him to the Sarojini Nagar Railway Station for getting Railway reservation. It was stated by him that all these documents were filled up by the appellant. When he reached the Sarojini Nagar Railway Station, he was informed that no seats were available and to try at Delhi Cantt. Railway Station. He reported the matter to the appellant. Next day, he was sent to the Delhi Cantt. Railway Station. He gave two requisition slips and two Railway warrants to the Booking Clerk, who, however, insisted for re-validating the warrants. When he gave the warrants to the appellant, he got them revalidated, but were not stamped. He was again sent to the Delhi Cantt. Railway Station with two Railway warrants on 1.12.1995, but the Booking Clerk again wanted the warrants to be stamped. Then on 2.12.1995, the appellant told him that he would give two other warrants, which were kept in his briefcase at his residence. The appellant sent him to his residence with a note to his wife stating to handover the briefcase to PW 7. When he brought the briefcase, the appellant took out two fresh Railway warrants and told him to get the old warrants cancelled and issued tickets on the new warrants. PW 7 proved Exts. "CC", "DD", "EE", "LL", "FF", "HH", "GG" and "II" and made it clear that he bought Ext. "KK" ticket of Train No. 2403 for 24.12.1995 for

undertaking journey from Delhi to Jammu Tawi. It was stated by him that he got the reservation done from Delhi Cantt. Railway Station and Ext. "MM" was from Delhi Station. He also proved Concession Voucher IAFT-1720A which bore the number 82L829332 dated 23.11.1995, Ext. "CC". It was made clear that the concession voucher related to the ticket Ext. "KK", for which requisition slips were issued, evidenced by Ext. "JJ". He further proved Ext."LL" requisition slips, on the basis of which the return journey was to be performed in Train No. 2404 from Jammu Tawi to New Delhi. **PW 8 L/Nk M. Guruswamy**, who was at the relevant time posted at 7 Infantry Brigade Signal between December 1992 and November 1996, stated that he had not undertaken journey from Madras in the month of January 1995 by availing concession voucher.

8. Those who joined the raid arranged by CBI at Delhi Railway Station were also examined by the prosecution. **PW 9 Raj Kamal**, who was working in the Vigilance Department of the Railways, stated that during the raid of CBI in Train No. 2403 Pooja Express, V.K Sharma, Head Ticket Clerk was present and in his presence, the raid was conducted. He is one of the persons who signed the seizure memo. It was also stated by him that the CBI officers told V.K Sharma to check Berth Nos. 7, 15, 23 and 31 of sleeper

coach S4, which were reserved for RAC passengers. When Sharma verified Ext. "KK" ticket, it was found that the age of six persons travelling on the ticket was not tallying. He brought this to the notice of CBI authorities. They asked the appellant to show identity cards of those who had occupied the berths. Thereafter, finding that the tickets were obtained on concessional warrants, they all were brought by the CBI officials to the retiring room and interrogated and "panchnama" was prepared. **PW 10 Maj Sushant Kulshrestha** is a formal witness, who handed over Concessional Voucher Book bearing Nos. 82L-829301 to 84L-829343 and the unused vouchers bearing Nos. 82L-829344 to 82L-829400. This voucher book was proved by the other witnesses also. **PW 11 S.B Sinha**, who was the Dy. Superintendent of Police, CBI Special Crime Branch, stated that having received information about the appellant removing and misappropriating concessional railway warrants meant for his subordinate staff and using the same for his own benefit, the CBI arranged a raid in Coach No. S4 of 2403 UP Pooja Express. On the basis of the information received, PW 11 arranged a raid on Coach No. S4 of Train No. 2403. A.K Sharma asked one of the passengers to show his ticket. Since there was glaring difference in age with the age shown in the ticket, he was asked to show his identity card. Sunil Kumar Garg showed

his identity card which confirmed him to be Assistant Engineer, Delhi Development Authority. Since the appellant and Anil Garg were also found travelling on concessional tickets, they were asked to show their identity cards, which they refused. The three male members were de-boarded from the train and were taken to the retiring room, where the search memo was prepared and got signed by the persons present there, including the appellant. Identical is the statement of **PW 12 Inspector RVS Lohmer**, CBI, Delhi, who took part in the raid. **PW 14 Vijay Sharma**, Head Travelling Ticket Examiner stated about having searched Seat Nos. 15 and 23 of S4 Coach of Train No. 2403. According to him, he found two ladies occupying the seats and they were found travelling on unauthorised Railway warrants. He found material difference in the ages of those who were occupying Berth Nos. 15 and 23. He identified the appellant as the person who waited outside the train with the tickets of these ladies. He questioned their authority to travel on unauthorised concessional tickets. He proved Ext. "GGG". **PW 15 HL Meena**, Chief Reservation Supervisor made available the documents to the CBI pertaining to the reservations made on the basis of concessional warrants. **PW 16 Anil Sharma**, Inspector, Delhi Police Crime Branch also took part in the raid and stated about having checked the

tickets of passengers occupying Berth Nos. 7, 15, 23 and 31. He found substantial difference between the ages mentioned in the tickets and that of persons who were travelling on unauthorised concession tickets. Identical is the statement of **PW 17 J.S Premi**, Inspector Railway Protection Force, Jodhpur who participated in the joint raid in Coach No.S4 of Train No. 2403.

9. On the side of defence, **DW 1 Kamlesh Michael** was examined, who stated that the orderly of the appellant (PW 7 Constable Hem Karan Yadav) misbehaved with her daughter and when complaint was made to the appellant, he scolded him and assured that he would not allow such incident to happen in future. This appears to be the cause for PW 7 Hem Karan Yadav to falsely implicate the appellant in the case. **DW 2 G.K Sharma**, who was Junior Engineer in Delhi Development Administration, identified the appellant as the brother of S.K Garg, Assistant Engineer in Delhi Development Administration. On 24.12.1995, he was engaged in an important project of Musical Dancing function at Pritampura. He deposed that S.K Garg remained there at the project site throughout the day till 1000 hours. **DW 3 L/Nk. Hav. Som Prakash** stated that he was performing the duties for some days in the centre and some days he was helping as

Orderly NCO to the Company Clerk. The concessional warrants used to remain in the custody of the Company Clerk and unused books thereof were with the Company Commander. The seal of the Company Commander was also with the Company Clerk. **DW 5 Maj. S.P Singh** is a formal witness. **DW 4 Dr. S.M Pahwa, DW 6 R.P Mittal, DW 7 Brig. V.P Malhotra, DW 8 Ranjit Singh, DW 9 Rajiv Kr. Gupta, DW 10 Capt. C.T Raveendran, DW 11 Comdr (Retd) Chandra Prakash Gupta and DW 12 Veer Kr. Sakhuja** were examined to show that the appellant had to attend the party at the residence of Commander Chandra Prakash Gupta (DW 11) and he had nothing to do with the fraudulent act alleged against him and the incident was one which was cooked up due to enmity. DW 6 RP Mittal has stated that he alongwith his wife planned to go to Vaishnodevi. His son Sunil Garg also decided to join them. But the programme was cancelled due to the ailment of his father-in-law, which was brought to the notice of S.K Garg. DW 7 Brig. Malhotra stated that the appellant was a straight forward and hard working officer. He told him to be careful when he got posted in NSG because of personal prejudices and predilections. DW 8 Ranjit Singh proved Ext. "OOO". Ext. "NNN" was proved through DW 9 Rajiv Kumar Gupta and Ext. "LLL" and "MMM" were proved by DW 10 Raveendran.

10. Counsel for the appellant pointed out that the appellant was made a scapegoat of the conspiracy hatched by some of the officers of NSG, as was warned by DW 7 Brig. Malhotra before joining that he should remain careful, otherwise at any time he may fall in a trap of their mischief. It is stated that because of this nefarious design which the NSG officers have adopted, the appellant became a victim of it. Emphasis has also been laid that PW 7 Hem Karan Yadav was used by them to implicate the appellant. There was no need either for the appellant or for his brothers to get reservation in a second class sleeper as they were well placed and they were entitled to avail LTC. There was no motive for them to board in ordinary second class sleeper coach by availing concessional tickets when their own LTCs were about to lapse. It shall not be off the point to mention that motive is primarily known to the appellant himself and it may not be possible for the prosecution to explain what actually prompted or excited him to commit such a crime. In **Sivaji Genu Mohite v. State of Maharashtra** (AIR 1973 SC 55), the apex Court held that in case the prosecution is not able to discover an impelling motive, that could not reflect upon the credibility of a witness proved to be a reliable eye witness. Evidence as to motive would, no doubt, go a long way in cases wholly dependent on



circumstantial evidence. Here, the direct evidence which was adduced by the prosecution is to be scrutinised independently and the absence of motive as alleged is of no significance. Reliance may be placed on the decisions in **Hari Shankar v. State of U.P** (1996(9) SCC 40), **Bikau Pandey and others v. State of Bihar** (2003(12) SCC 616), and **Abu Thakir and others v. State of Tamil Nadu** (2010(5) SCC 91). It was held by the apex Court that if the genesis of the motive of occurrence is not proved, the ocular testimony of the witnesses as to the occurrence could not be discarded only by the reason of absence of motive, if otherwise the evidence is worthy of reliance. The question of absence of motive came up for consideration of the apex Court in **State of U.P v. Kishanpal and others** (2008(16) SCC 73), wherein it was held thus:

“The motive may be considered as a circumstance which is relevant for assessing the evidence but if the evidence is clear and unambiguous and the circumstances prove the guilt of the accused, the same is not weakened even if the motive is not a very strong one. It is also settled law that the motive loses all its importance in a case where direct evidence of eye-witnesses is available, because even if there may be a very strong motive for the accused persons to commit a particular crime, they cannot be convicted if the evidence of eye-witnesses is not convincing. In the same way, even if there may not be an apparent motive but if the evidence of the eye-

witnesses is clear and reliable, the absence or inadequacy of motive cannot stand in the way of conviction.”

In this case, PW 1 is the custodian of certain documents, including the concessional voucher book, which were produced by him. PW 6 Nk. Mohinder Singh stated that the appellant put his signature on the counterfoils. This finds corroboration from the report of the Central Forensic Science Laboratory, evidenced by Ext. BBB, wherein it was stated that the signatures were that of the appellant. However, it was pointed out by learned counsel for the appellant that the report was exhibited wrongly. It is not admissible in evidence when the expert was not examined by the prosecution. It is to be noted that in view of Section 293 of the Code of Criminal Procedure/Amy Act Section 142(7), such report under the hand of a Government scientific expert may be used as evidence in the course of trial and there is no need to examine this witness. To the contrary, report of a handwriting expert, Mr. V.K Sakuja, was produced by the appellant. But Mr. Sakuja was not examined as a defence witness. Therefore, this report is also not admissible in evidence as he was not a Government official and no inference can be drawn from such report. It has further been mentioned that on the basis of the concession warrant, number of reservations were

sought by the appellant. But some of them were got cancelled. The material being concessional warrant No. 82L 829332 vide Ext. CC, on the basis of which ticket from Delhi to Jammu Tawi in Train No. 2403 was obtained for reservation on requisition slip vide Ext. JJ, which also bears the endorsement of PNR No. 610866, agrees with the ticket number which was issued on the basis of the aforesaid concession warrant. Such incriminating facts and circumstances are appearing to be incompatible with the innocence of the accused (see **Hukam Singh v. State of Rajasthan** (AIR 1977 SC 1063), **Eradu and others v. State of Hyderabad** (AIR 1956 SC 316), **Earabhadrapa v. State of Karnataka** (AIR 1983 SC 446), **State of U.P v. Sukhbasi and others** (AIR 1985 SC 1224), **Balwinde Singh v. State of Punjab** (AIR 1987 SC 350) and **Ashok Kumar Chatterjee v. State of M.P** (AIR 1989 SC 1890)), wherein it was reiterated that the circumstances from which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances and they negate the innocence of the accused. The appellant and his family members were de-boarded from the train. These circumstances also point the guilt of the appellant. It is next contended that the appellant went to

attend Christmas celebrations, for which his relative, Cmdr. Chandra Prakash Gupta invited him and other family members for dinner in Mosonic Club on 24.12.1995. He boarded the train with valid tickets and he was falsely booked into this case. Suffice it to mention that the members of the raiding party were consistent in their statement that as per the information received, they arranged the raid on Train No. 2403 UP Pooja Express. They found some ladies also occupied the seats in Coach S4. Their suspicion got strengthened when they found the ages of these passengers differ from that of the tickets. When Anil Garg was asked to show his identity, he refused. Then they all were de-boarded from the train and brought to the retiring room, where the search memo was prepared. We find no reason to disbelieve the evidence of these independent witnesses. No animosity was shown against them in the discharge of their official duties. Nothing could be pointed out as to on what basis the testimony of these witnesses could be discarded. It is further contended that the reservation clerk, who was contacted by PW 7 Hem Karan Yadav for getting reservation, could be the best person to bring the true facts. He was not a material witness. Even otherwise there is ample evidence. In this regard, it would be useful to refer to the observations of the apex Court in **Namdeo v. State of**

**Maharashtra** (2007(14) SCC 150) that it is the quality and not the quantity of evidence which is necessary for proving or disproving a fact. The legal system has laid emphasis on value, weight and quality of evidence rather than on quantity, multiplicity or plurality of witnesses. It has further been stated that there is contradiction between the testimonies of the prosecution witnesses. Some of the witnesses have stated that Anil Garg was there inside the coach and details of others were prepared from the reservation chart. But some of the witnesses have stated that they were inside the coach. Such discrepancies would not be of any significance. The family members of the appellant got reservation and some of his family members were sitting in the compartment. Even if the appellant was believed to be standing outside, in the context of the reservation in his name, he should be considered to be undertaking journey in that train. The prosecution succeeded in proving the fact that the appellant had reservation for undertaking the journey. In that situation, Section 106 of the Evidence Act would be attracted. Mere denial of the prosecution case, coupled with the absence of an explanation, was held to be inconsistent with the innocence of the accused, but consistent with the hypothesis that the appellant is a prime accused in the commission of the offence.

11. It has next been argued that the appellant could not get a fair trial. Charge Nos. 2 and 3 were different, showing different PNR number and ticket number, including the date, but he was convicted by way of special finding put on a different PNR number, date and ticket. It is necessary to note that though there was an error in framing of the charges, but no prejudice has been caused to the appellant. He was to be tried for getting reservation on the concessional voucher and undertaking journey. Such error in the framing of the charge will not vitiate the proceedings when the charge is indicative of the offence committed by the appellant. There appears to be no prejudice to the appellant. It is also submitted that the proper course on the part of the GCM was to have corrected the charge before instead of giving the special finding and so he was deprived for giving his explanation to the altered charge. There is thus violation of principles of natural justice. Suffice it to mention that the principles of natural justice could be material where the findings were altered on the basis of no evidence. On the other hand, when there were sufficient materials and misquoting of the date, PNR number and the ticket number would not be of any significance and virtually the ticket on the basis of which the appellant boarded the train for travelling in the train on the basis

of the concessional vouchers would be relevant. There is no violation of principles of natural justice.

In view of the aforesaid discussions, we do not find any merit in the appeal. In the result, it is dismissed.

**(S.S DHILLON)**  
**MEMBER**

**(S.S KULSHRESTHA)**  
**MEMBER**