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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2581/2002

Thursday, this the 3rd day of October, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri M. P. Singh, Member (A)

Hardev Singh Bajwa  
s/o Shri Gurcharan Singh  
173/D, Chitti Kothi  
Rly. Colony No.3, Gol Bagh,  
Amritsar (Punjab)

...Applicant

(By Advocate: Shri R.K.Sarkar)

Versus

1. U.O.I. through  
General Manager, Northern Railway  
Baroda House, New Delhi-1
2. The Chief Track Engineer  
Northern Railway  
Baroda House, New Delhi-1
3. Additional Divisional Rail Manager  
Firozpur Division  
Northern Railway, Firozpur (Punjab)
4. Divisional Superintending Engineer II  
Firozpur Division  
Northern Railway  
Firozpur (Punjab)

...Respondents

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

The applicant, by virtue of the present application, seeks quashing of the Memorandum of charge-sheet, the orders of disciplinary, appellate and the revisionary authorities.

2. The relevant facts of the case are that the articles of charge were served upon the applicant which reads:-

"He failed to properly secure and support the temporary fish-plated joints on either side of glued joints and arrange for their welding by highlighting the



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(2)

safety implication for nearly 3 months, failed to give the required attention to this vulnerable stretch of glued joints with temporary fish plated joints, prone to incomplete mechanical tamping, run-down condition of track between SEJ & back of crossing visible by number of sleepers out of square & with spacing varying from 58CM to 71CM after mechanical tamping on 20/4/99 & thereafter upto 5.5.99, causing derailment of B/V of Dn. CRPF/Spl on the said location on 5.5.99 resulting loss of Rly. property and human lives. He is also responsible with tempering of evidence i.e. welding of joints without authority on 6.5.99 prior to inspection by CRS on 8.5.99.

This shows gross neglect and slack supervision on his part. Thus he violated para No.136 (a) of IREM and 3-1(i)(ii) (iii) of Rly. Service Conduct Rules 1996."

3. After the inquiry, the disciplinary authority had imposed the penalty of removal from service. In appeal, the same was reduced to reinstatement of the applicant at the initial stage of the lowest grade of PWI, i.e., Rs.5000-8000/- and the period from date of removal to date of reinstatement was to be treated as leave without pay. Revision petition, as referred to above, has been dismissed.

4. Learned counsel for applicant has drawn our attention firstly that the charge was vague and further that it was already a determined mind as has been indicated from the charge and secondly, there was hardly any evidence to hold the applicant guilty with the above-said dereliction of duty.


5. Perusal of the case, however, reveals that the articles of charge which have been reproduced above, cannot be described to be vague as it gives the




particulars and no prejudice in this regard in contesting the same, seemingly has been caused. When full opportunity had been given and order had been passed thereafter, we find no reason also to accept the contention that it was pre-determined mind.

6. As regards the evidence on record indeed after perusing the report of the inquiry officer, it is obvious that it is not a matter of no evidence to prompt us to interfere. Findings have been arrived at on material on the record. Once the finding has been so arrived at, it will not be quashed by this Tribunal.

7. Resultantly, we find that the application is without merit. It must fail and is dismissed in limine.

  
(M. P. Singh)  
Member (A)

/sunil/

  
(V. S. Aggarwal)  
Chairman