

**Central Administrative Tribunal
Madras Bench**

OA/310/00463/2014

Dated the 18th day of December Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

R.Vijayarajan,
Station Master,
Madurai Railway Station,
Southern Railway, Madurai Division,
Madurai 625 016. .. Applicant
By Advocate **M/s.Ratio Legis**

Vs.

1. Union of India, rep by
The General Manager,
Southern Railway,
Park Town, Chennai-3.
2. The Chief Passenger Transportation Manager,
Southern Railway,
Park Town, Chennai-3.
3. The Additional Divisional Railway Manager,
Southern Railway,
Madurai Division,
Madurai 625 016.
4. The Senior Divisional Operations Manager,
Southern Railway,
Madurai Division,
Madurai 625 016. .. Respondents

By Advocate **Ms.R.Sathyabama**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

1. The applicant's case in short is as follows:-

The applicant while working as Station Master at Tirupparankundram Railway Station (Madurai Division) had applied for leave from 22.5.12 to 4.6.12 for a pilgrimage to Bhubaneswar, Calcutta etc. He filed a request for the same on 13.5.12. Message was sent for arranging Leave Reserve Station Masters to take charge by the Station Superintendent. There was no reply. Hence applicant approached Divisional Operations Manager (DOM) on 20.5.12 for arranging relief in time. The DOM arranged relievers. But thereafter a charge memo was issued to him on 10.7.12 showing that he was on unauthorised absence. He gave a reply but it was not accepted. A penalty of withholding increment for 36 months was imposed. The applicants appeal and revision application were dismissed. Hence he prays for the following relief:-

“...to set aside the impugned order No.P(A)94/2013/1016 dated 23.5.2013 (Annexure A-1, pages 6-7) of the Chief Passenger Transportation Manager, Chennai, the 2nd respondent along with the penalty advice No.U/T.411/Misc/TDN/12/87 dated 16.8.2012 of Sr. Divisional Operations Manager/Madurai, the 4th respondent (Annexure A-7, pages 16-17) and Order No.U/P.94/II/29/2012 dated 16.11.2012 of Additional Divisional Railway Manager/Madurai, the 3rd respondent (Annexure A-9, Page-25) and to direct the respondents to restore the pay of the applicant and thus render justice.”

2. The respondents filed reply stating the facts as follows:-

The applicant and one M.Sankaranarayanan, Station Superintendent in-charge planned to go on a tour for which they wanted leave from 22.5.12. Since at that time there was a shortage of Station Masters, applicants were aware that they may not get leave for going for tour. So, instead of sending leave application to Traffic Inspector, Virudhunagar, they sent the relief requirements letter Annexure A2. Since no leave applications filed, Traffic Inspector (TI) did not respond to it. Then they approached Divisional Operations Manager, Madurai and obtained an endorsement for arranging relief. Even at that time leave was not sanctioned by DOM. DOM/MDU was not the Branch Officer. Since Senior Divisional Operations Manager was available, DOM could not grant the leave. Since leave was not granted, they reported sick and obtained fitness certificate on 22.5.12 and 23.5.12. They did not disclose the date of fitness at that time. Relief was arranged as expected to tide over the crisis.

3. The applicant proceeded on tour on the date they reported sick. Since their fitness was not informed, the relief persons continued there believing that the applicant was sick. The Muster Roll (Annexure R1) will show the applicant marked as 'S' sick. The Station Superintendent returned and made corrections and marked as LAP to show that they had availed leave for which no leave request was given. If the leave applied is for more than 3 days and not exceeding 14 days it has to be sanctioned by Section Traffic Inspector (Annexure R2). Station Superintendent cannot sanction leave in this case. The applicant gave leave application not to the person who has power to sanction it. The applicant's leave is seen sanctioned by the Station Superintendent M.Sankaranarayanan along with whom the applicant went for

tour. It is the TI who has to sanction leave. So, no leave was sanctioned to the applicant. So, the applicant had to be treated as on unauthorised absence. The charge memo was issued on the basis of a report filed by TI/VPT. The action of the applicant is a misconduct.

4. We have heard the counsels appearing on either side. The applicant seeks to quash the punishment imposed on him by Revisional Authority dt. 23.5.13 (Annexure A1) by the Chief Passenger Transportation Manager, the 2nd respondent herein, and the appellate order by Additional Divisional Manager.

5. From the facts, we can see that a charge memo was issued to the applicant under Rule 11 of the Railway Servants (Discipline & Appeal) Rules, 1968 on 10.7.12 for unauthorisedly absenting himself from duty from 24.5.12 to 02.6.12 and thereby violated provisions of Rule 3(iii) of Railway Services (Conduct) Rules. It has come out from pleadings that the applicant had sought for relief from duty as Station Master w.e.f. 22.5.12 to 04.6.12. He had given a request to the Station Superintendent for the same and Station Superintendent had sought for relief to TI/VPT. Since no reply received, applicant approached DOM and sought for held and DOM made an endorsement on the copy of leave application for arranging relief.

6. But the respondents submits that the applicant's leave request was not given to the leave sanctioning authority TI and instead he gave it to Station Superintendent. According to the respondents, this was done in order to see that leave will not be rejected. The applicant and Station Superintendent reported sick and left the office. The respondents produced the Muster Roll as Annexure R1. It shows both these

persons reported sick and marked as 'S'. Thereafter, without reporting fitness, both of them went on a tour as decided. No leave application was received by TI and hence action was taken.

7. On an anxious consideration of facts submitted by both sides, it can be seen that the applicant had become absent from duty first reporting sick and without getting approval of his leave. A Senior Superintendent has power to grant leave only upto 3 days. If it is for more days, the leave application has to go to TI (letter No.U/T.9/MPP/Group C dt. 06.5.08). The leave applied in this case was from 22.5.12 to 04.6.12 i.e. more than 3 days. So, as per Annexure R1, leave has to be submitted to TI and sanction obtained. The applicant did not comply with the leave instructions and left duty. This is a clear violation of Conduct Rules. It is on the basis of the report of the TI charge memo was issued. The applicant was given opportunity to explain the circumstances and there is no violation of any procedure in the enquiry contemplated for imposing minor penalties. We do not find any reason to interfere with the impugned orders passed by the Disciplinary Authority, Appellate Authority and the Revisional Authority in this case.

8. There is no merit in this OA and it is dismissed accordingly. No costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

18.12.2019

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Annexures referred to by the applicant in OA No.463/2014:

Annexure A1: Impugned order of CPTM/Chennai dt. 23.5.13.

Annexure A2: Message sent by SS/TDN dt. 13.5.12.

Annexure A3: Leave request dt. 20.5.12.

Annexure A4: Message dt. 24.5.12.

Annexure A5: SF-11 issued by Sr.DOM/MDU dt. 10.7.12.

Annexure A6: Explanation dt. 31.7.12.

Annexure A7: Penalty advice dt. 16.8.12.

Annexure A8: Appeal dt. 04.10.12.

Annexure A9: Order dt. 16.11.12.

Annexure A10: Revision petition dt. 14.3.13.

Annexure A11: IREC Vol.I, Rules 503, 512.

Annexures with Reply Statement:

Annexure R1: True copy of the Muster Roll dt. 2012.

Annexure R2: True copy of the letter dt. 06.5.08.