

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.60/96

New Delhi this the 15th day of November, 1999.

Hon'ble Mr. Justice V.Rajagopala Reddy, VC(J).

Hon'ble Smt. Shanta Shastry, M(A).

Sh.C.P.Singh
R/o E-1/A Railway Colony
Gujraula. Applicant
(By Advocate Sh.B.S.Mainee)

Versus

Union of India: Through

1. The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway
Moradabad.
3. The Chief Engineer
Northern Railway
Baroda House
New Delhi. Respondents.
(By Advocate Sh.Rajeev Bansal)

ORDER(Oral)

By Reddy.J~

The applicant challenged the impugned order imposing major penalty of reduction to a lower stage in the same time scale as also minor penalty of withholding of increment, for a period of five years with cumulative effect. The facts of the case are as follows: The applicant was working as Apprentice P.W.I. Grade-II Northern Railway. The memo of charge sheet for major penalty was issued on 23.11.1988. It was alleged that applicant was responsible for negligence in attending to the

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alignment of curve on the railway track on 17.10.88 as well as on earlier occasions. It was also alleged that the applicant was responsible for imposition of speed restriction of 70 KMPH on curve No.16 without personally inspecting the site and for not putting the speed boards although he was given memo at Gajraula about the severe jerk felt by the Driver of 147 UP. The applicant denied the charge and hence an enquiry was conducted by the Enquiry Officer. Thereupon the disciplinary authority, agreeing with the Enquiry Officer's findings imposed the penalty of removal from service. The applicant filed the OA-2100/89 for quashing the order of removal before the Principal Bench of the Tribunal. The OA was allowed by the judgment dated 25.9.91 and the impugned order was quashed. It was however, made clear that the fresh enquiry from the stage of supply of a copy of enquiry report could be initiated. Accordingly respondents conducted enquiry and finally awarded the penalty of reduction in the time scale from the stage of Rs.1680 to 1400 and also imposed minor penalty of withholding of increment for a period of five years with cumulative effect by the impugned order. The appeal filed by the applicant has been rejected.

In this OA, Learned counsel for the applicant submits that Enquiry Officer had not supplied the relevant documents to the applicant hence the applicant could not defend his case properly to prove his innocence. The learned

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counsel for the respondents however submits that all the documents relied upon by the prosecution and relevant for the case have been supplied.

We have considered carefully the arguments of learned counsel for the parties. It has to be noticed that this is the second round of litigation in this case. The applicant was earlier removed from service on the same charge but in view of the judgment of the Tribunal the order of removal was quashed and a fresh enquiry has been conducted in which the impugned penalty has been imposed. It is seen from the counter of the respondents and Enquiry Officer's report dated 14.3.89, a request was made by the applicant for furnishing of the inspection note of AE/HAPUR. In view of the documents being categorised as classified the Enquiry Officer rejected the request. In the counter it has been stated that all the relevant documents have been furnished to the applicant. The charge against the applicant was that he was responsible for negligence in attending to the alignment of the curve on 17.10.1988 as well as on earlier occasions and that he imposed the speed restriction of 70 KMPH on curve No.16 without personally inspecting the site and for not putting speed boards at the curve. From the Enquiry Officer's report it reveals that the Enquiry Officer after scrutiny of the registers and on the basis of the evidence of the Driver of the concerned train, came to the conclusion that the applicant has not done alignment properly which resulted in serious accident at the curve. In the circumstances, it

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cannot be said that the enquiry has been vitiated merely on the ground that the inspection note has not been furnished to the applicant.

It is next contended that the applicant has been awarded two punishments which are separately shown under Rule 6 of the Railway Servants (Disciplinary and Appeal) Rules. No provision is brought to our notice that two categories of punishments should not be imposed. It is for the disciplinary authority to consider and impose the punishment as is appropriate. Unless there is a provision in the rules prohibiting imposing more than one category of punishments.

It is true, as contended that the appellate order does not contain any reasons for the conclusions. The Appellate Authority being an authority to consider on facts it should have given reasons for its conclusions. However, as we have considered the Enquiry Officer's report and the findings given by him, and held that the findings are based on the evidence collected during enquiry, we are not prepared to send back the case to the appellate authority only on the ground that its order is devoid of reasons, more particularly for the reason that this case happens to be a second round of litigation on the same charges.

The OA lacks merits and it is accordingly dismissed. No costs.

Shanta S-
(SMT. SHANTA SHAstry)
M(A)

Ambrinday
(V.RAJAGOPALA REDDY)
VC(J)