

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.654/88

Date of decision: 2.9.1993.

Shri Nurul Hussain

, ...Petitioner

Versus

Railway Board & Others

...Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member(A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioner

Shri Umesh Mishra, Counsel.

For the respondents

None.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

The petitioner was working as a Driver on the North East Frontier Railway. On the material date viz. 15.7.1981 he was driving 114 Dn. passenger train. The train was involved in a collision with the rear of 414 Dn. passenger train. While there was no loss of life the petitioner was chargesheeted and a disciplinary enquiry was held. A criminal case was also filed against the petitioner under Section 337 of Indian Penal Code and Section 101 of Indian Railway Act. He was removed from service on 30.3.1982 and the appeal filed by him was rejected. The learned counsel for the petitioner brought out that the petitioner was acquitted in the criminal case. By way of relief the petitioner has prayed that the impugned order dated 16.3.1988 be set aside and the petitioner reinstated in service.


2. The facts of the case are not disputed by the respondents. The petitioner had also filed a representation before the competent authority viz. Chief Operating Superintendent (P) North East Frontier Railway, Maligaon. The said appeal is stated to have been disposed of and

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the learned counsel for the petitioner has brought on record a copy of the observations made by the D.R.M. Katihar on the representation of the petitioner, which has been sent to the DOPS(P) MLG. The said order reads as under:-

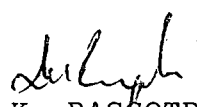
"I have gone thro. the case. The appellate Authority has upheld the punishment imposed by the disciplinary authority. Therefore, no second appeal lies. However since this is an accident case, a review can be undertaken by the next higher authority within six months from the consideration of the punishment by the appellate authority i.e. 18.6.82. The employee has submitted a representation for reconsidering the penalty imposed on him on 23.8.82. I have given an interview to the employee and gone thro. the various points brought out by the employee and the subsequent decision. The papers should, therefore, be sent to COPS immediately with complete case and my comments so that COPS may review the papers. My recommendation in this case is that considering the various aspects and the mercy appeal of the employee, he should be reinstated in service but with a lesser punishment as may be demanded by the case."

This recommendation is said to have been made by the D.R.M. about a week ago. It was, therefore, submitted that in view of the recommendation of the DRM the petitioner expects that he would be reinstated in service and given a lower penalty.



3. In the above facts and circumstances of the case, we dispose of the O.A. with the observation that the reviewing authority would take prompt action and convey its decision to the petitioner with utmost expedition and preferably within a period of three months from the date of communication of this order. We are told that the petitioner has since attained the age of superannuation and that the review of the order of removal from service would entitle him to payment of pensionary benefits etc. We are confident that in the circumstances of the case and consequent to the order of the reviewing authority whatever pensionary benefits be due to the petitioner shall be paid to him, as above, with utmost expedition. No costs.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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