

Open Court:

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 1071 of 1994

Hon. Mr. S. Das Gupta, Member (A)  
Hon. Mr. J.S. Dhaliwal, Member (J)

Dated: 21.09.1994

Alfred John, son of Shri B. John  
A.R.M. Agra, R/o New Christian  
Colony Chaur Ka Ka Nagla Agra Cantt.  
Agra. .... Applicant.

Versus

1. Union of India, through  
General Manager, C. Railway,  
Bombay.
2. Divisional Rail Manager, C. Rly.  
Jhansi. .... Respondents.

O R D E R

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( By Hon. Mr. S. Das Gupta, Member (A) )

Heard Sri R.S. Mishra, learned counsel for the applicant on admission. The petitioner has challenged the disciplinary action taken against him on the ground that the authority which has imposed the penalty is a Divisional Safety Officer, whereas, the disciplinary authority in respect of the applicant should have been the Divisional Operating Superintendent as he is working in the Operating Department. The other grounds taken relates to the extent of his involvement in the alleged accident which has resulted <sup>in</sup> for the initiation of disciplinary proceedings against him.

2. So far as his involvement in the accident is concerned, it is the matter to be enquired

~~by the investigating officer~~

into whether the disciplinary authority and the findings of the enquiry or the manner in ~~in~~ which the enquiry has been conducted are not under challenge in this application. We are of the view <sup>that</sup> ~~in~~ <sup>that</sup> we are not inclined to examine the extent of involvement of the applicant in the said accident. The applicant has also not produced any document to show that the disciplinary authority in respect of the applicant is not the Divisional Safety Officer. He has produced a copy of the judgment and order passed by the Madras Bench of the Tribunal in O.A. No. 941 of 1991 in which a reference has been made to the Railway Boards order to the effect that in respect of the Station Masters and Assistant Station Masters, the disciplinary authority would belong to the operating side. This is not sufficient to establish the contention of the applicant that in respect of him ~~also~~, the Divisional Operating Superintendent shall be the disciplinary authority.

3. It appears from the submissions made that the applicant has filed a revision application dated 7.8.1993 and the same is stated to be pending with the competent authority. In view of this, we disposed of this application with the direction that the revision application stated to have been filed by the applicant ~~also~~ to be disposed of.

*W.P.*

*by* a reasoned and speaking order within a period of 3 months from the date of communication of this order. The petition is disposed of with the above directions. There will be no order as to costs.

*J. S. R.*  
Member (J)  
21.8.84

(n.u.)

*W.R.*  
Member (A)