

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 754 of 1995

THURSDAY, THIS THE 7TH DAY OF NOVEMBER, 2002.

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

HON. MAJ. GEN. K.K. SRIVASTAVA, MEMBER-A

LAL JEE,
S/O SHRI BHOLANATH,
WORKING AS P.W.M. UNDER
P.W.I. N. RAILWAY,
CHUNAR.APPLICANT.

(BY ADVOCATE: SHRI A. KUMAR)

VERSUS

1. UNION OF INDIA THROUGH GENERAL MANAGER,
NORTHERN RAILWAY, BARODA HOUSE,
NEW DELHI.

2. DIVISIONAL SUPDTG. ENGINEER,
NORTHERN RAILWAY,
ALLAHABAD.

3. ADDITIONAL DIVISIONAL RAILWAY MANAGER,
NORTHERN RAILWAY,
ALLAHABAD.RESPONDENTS.

(BY ADVOCATE:- SHRI T.N. KOEL)

O R D E R

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

By this O.A under Section 19 of Administrative Tribunals Act, 1985, applicant has challenged the order dated 8-9-1994 (Annexure A-I) by which applicant was awarded penalty of reduction in the same time scale by two stages for four years with cumulative effect on conclusion of the Disciplinary proceedings. However, in appeal, the aforesaid punishment was reduced for a period of two years with non-cumulative effect. The facts of the case are that applicant was working as permanent way Mistrī in Gang No. 5 under P.W.I., CHUNAR. On 13-6-1990, while he



was working with Mono Rail Dolly for loading work of rail he could not remove the Dolly safely which collided with the engine of 3039 UP in DAP yard. The learned counsel for the applicant has submitted that from the findings of the Enquiry Officer, it is clear that the applicant was not guilty and the punishment awarded is unjustified in the facts and circumstances of the case.

2. We have carefully considered the submissions. The findings of the Enquiry Officer is being reproduced below:-

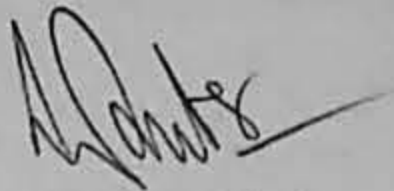
"The M.R. Dolly was removed by the PWM about 15 minutes before arrival of 3039 UP and was placed in between UP and DN Line and went away without proper security of the M.R. Dolly. Due to the vibration of through passing Down Train the Rail Dolly rolled Down and entangled with the North Front wheels of 3039 UP Engine. As a supervisor Shri Laljee PWM Gang No.5 failed to observe the safety rules regarding safe positioning of the M.R. Dolly in his custody."


3. The Disciplinary Authority agreed with the aforesaid findings and awarded punishment reducing the pay of the applicant for four years by two stages with cumulative effect. Punishment has been reduced by Appellate Authority considerably period wise and also making it ^{of a} non-cumulative effect.

4. In the facts and circumstances the punishment awarded is justified and calls for ^{no} interference by this Tribunal. The applicant as a Permanent Way Mistri was responsible to see that Mono Rail Dolly was placed in such a manner that it ^{could not} ~~roll~~ rolled down towards

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any of the track on account of the vibrations caused by running of the train, ^{or} It^u could result in a serious accident. For the reasons stated above the O.A. has no merit and accordingly dismissed, with no order as to costs.


Member(A)


Vice-Chairman.

madhu/-