

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.165/1999

THURSDAY, THIS THE 9TH DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Pramod Kumar Singh,
S/o Sri Shankar Singh,
R/o 653/4, Subhash Nagar,
Mughalsarai, Dist. Chandauli,
Posted as Electrical Signal Maintainer,
under D.R.M., Mughalsarai,
Eastern Railway. ... Applicant

(By Advocate Shri Z.A. Faruki)

Versus

1. Union of India, through
the General Manager,
Eastern Railway, Calcutta.
2. The Divisional Railway Manager,
Eastern Railway, Mughalsarai.
3. The Additional Divisional Railway Manager,
Eastern Railway, Mughalsarai.
4. The Senior Divisional Signal and Telecom
Engineer, Eastern Railway, Mughalsarai.
5. The Senior Divisional Personnel Officer,
Eastern Railway, Mughalsarai.
6. The Divisional Signal and Telecom
Engineer, Eastern Railway,
Mughalsarai. ... Respondents

(By Advocate Shri A.K. Gaur)

ORDER - (ORAL)

Hon'ble Mr. C.S. Chadha, Member (A):

The case of the applicant is that he was working
as a S.S.M. leave reserve Electrical Signal Maintainer
(ESM) at Muthani Railway Station, in February, 1996, when

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on the night intervening 19th and 20th February, 1996, the Rajdhani Express derailed during his duty period. He was charge sheeted and among the three charges against him, only one, i.e., (iii) was proved. That charge related to his absconding from duty ~~at~~ ^{or} immediately after the said accident. The Disciplinary Authority punished him by dismissal from service vide Annexure-A1, dated 5.3.1997. He preferred an appeal, which was dismissed on 5.9.1997, vide Annexure-A2. His revision against the appellate order was also rejected on 19.2.1998. Hence, this O.A. has been filed.

2. The learned counsel for the applicant has raised 3 major objections:--

(i) That the Disciplinary Authority is not competent to punish him because the applicant is not under his control;

(ii) The Inquiry Officer was nominated well before his defence statement was received and therefore the requirements of Railway Rules were not adhered to and the inquiry is vitiated;

(iii) That not only the applicant, but others also absconded immediately after the accident.

3. As regards the first argument, the same was raised before the Appellate Authority and the Appellate Authority has disposed it of by stating that the person who issued the said punishment order was duly authorised by the Railway Board and therefore, there is nothing illegal in the said punishment Order. Further, we observe that the order of the

6th Feb. 1998.

Disciplinary Authority has been merged with the appellate order which is quite in detail and we see no reason to interfere with that order. We are of the opinion that the Disciplinary Authority being of the same rank of the Appointing Authority, was duly authorised to carry out the disciplinary proceedings and also pass the final order.

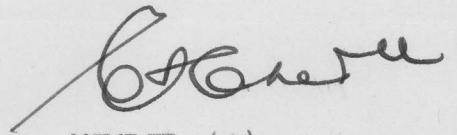
4. There is no doubt that the Inquiry Officer was appointed before the defence statement was received, but, the counsel for the applicant was unable to show how that caused prejudice to the defence of the applicant. He, therefore, cannot get any benefit on that ground.

5. The argument that others also absconded after the accident does not absolve the applicant of his guilt.

6. A lot was said about the fact that there was a charge ~~of~~ ^{against the applicant of} being responsible for causing the accident. But, we find that since only the 3rd charge against him was taken into consideration before punishing ^{him to} and the same charge does not include this matter, going into its merits is not necessary. He has been merely found guilty of absconding from the Railway Station after the accident and we agree with the counsel for the respondent that he has got away with a very light punishment.

7. In view of the above, we see no reason to interfere with the orders of the Appellate Authority and the Reviewing Authority. The O.A. is dismissed. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)