

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.532/2002

FRIDAY, THIS THE 10TH DAY OF MAY, 2002

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

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

Chhote Lal,
S/o Bhalgi Ram,
aged about 47 years,
Ex.Driver, Agra Cantt.,
R/o62/259-B, Nagla Kachhiya,
Agra Cantt. Agra (U.P.) ... Applicant

(By Advocate Shri B.L. Kulendra)

Versus

1. Union of India. through
General Manager,
Central Railway,
Mumbai C.S.T.
2. Senior Divisional Electrical Engineer (TRO),
Central Railway, Jhansi, U.P.
3. Divisional Railway Manager (P),
Central Railway, Jhansi, U.P.
4. Devendra Singh, Driver Sp. 'A',
through Loco Foreman,
Central Railway,
Jhansi, U.P. ... Respondents

(By Advocate Shri K.P. Singh)

ORDER - (ORAL)

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

The relief claimed by the applicant is against the order of Compulsory Retirement vide Annexure-6, dated 17.8.2000.

2. The case in brief is that the applicant was a Driver of a Goods train which derailed. By virtue of its derailment, some of the bogies fell on the neighbouring track and the on-coming G.T. Express train collided with

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those and there was a further serious accident. The applicant was charge sheeted vide Annexure-1, in which the 1st charge relates to the fact that the Driver failed to put on his flasher lights and exchange ~~with~~ ^{a be} signal with the on-coming 2615 Down G.T. Express, as a result of which that train collided with the derailed wagons of his train. In the inquiry report, this charge has been found to be proved.

3. The learned counsel for the applicant states that in the charge sheet, the violation of G.R. 6.03 has not been mentioned and therefore, ^{the} applicant cannot be punished for a charge which is not in the charge sheet. We are unable to agree with the argument of the learned counsel because had merely violation of a particular Government Rule been mentioned in the charge sheet and another in the punishment order, the applicant could claim relief. But, we find that the charge clearly outlines the failure of the applicant by not putting on flasher lights. The order at Annexure-6 is ^{be} quite a reasoned speaking order and it clearly mentions "One of the primary responsibilities for the accident for not switching on the flasher light and other efforts to protect the adjacent line immediately on the notice of drop in vacuum on his train which should have been done as per G.R. 6.03". Therefore, whether G.R. 6.03 is mentioned in the charge sheet or ^{be} ~~is~~ ^{not,} the substance of the charge and the substance on the basis of the punishment are one and the same, i.e., the applicant failed to warn the on-coming train by putting on the flasher light. In effect, we find

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that there are no injustice that it is incorrect to claim that he was denied the opportunity of defending himself because he did not know what were the charges. Merely *See* not mentioning the G.R., the charge does not vitiate *the enquiry* as the substance of the charge was clearly outlined both in the charge sheet and in the punishment order. The O.A. has no merit and it is therefore dismissed. No order as to costs.

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MEMBER (J)

Chatterjee
MEMBER (A)

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