

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 448 of 1995

Monday this the 3rd day of April, 1995.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.M.Vijayan,  
Diesel Assistant,  
Southern Railway,  
Quilon residing at  
Thottathil House,  
Jawahar Junction, Pattathanam,  
Quilon.

.... Applicant

(By Advocate Mr. T.C.Govindaswamy)

Vs.

1. Union of India represented by  
the General Manager,  
Southern Railway, Headquarters Office,  
Madras.3.
2. The Divisional Railway Manager,  
Southern Railway,  
Trivandrum.14.
3. The Senior Divisional Mechanical Engineer,  
Southern Railway, Trivandrum.14. .... Respondents

(By Advocate Mr. Thomas Mathew Nellimootil)

O R D E R

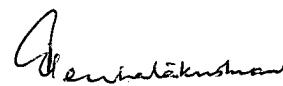
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

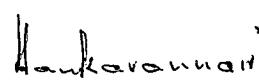
A Shunter whose engine went forward beyond  
the destination, and whose rank went backward as a  
consequence, is before us complaining of the reduction  
in rank. The charge was that applicant did not stop  
the shunting engine at the appointed spot and that  
it went beyond causing loss and damages to the Railways.

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Whether an engine went beyond a point or not, is a pure question of fact and ordinarily a Court or a Tribunal will not adjudicate such matters. Applicant would however say that the engine went beyond the limit for reasons beyond the control of the Shunter. According to him the coupling snapped and the bogies behind, pushed the engine forward and beyond the stopping limit. We do not consider it proper to go into such contentions. If applicant is aggrieved, he may move the competent authority under Rule 25 of the Railway Servants (Discipline and Appeal) Rules, 1968 and seek reliefs. With freedom to do so, we dispose of the application. No costs.

Dated the 3rd day of April, 1995.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

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