

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.84/2013

Friday this the 8th day of November 2013

C O R A M :

HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

HON'BLE Mr.RUDHRA GANGADHARAN, ADMINISTRATIVE MEMBER

M.Shanthi,
W/o.late P.Mohan,
Residing at No.22/ATHI House,
Chettipalayam Road, Podanur,
Coimbatore – 641 023.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s

1. Union of India represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 600 003.
2. The Assistant Operations Manager,
Southern Railway, Palakkad Division,
Palakkad – 678 002.
3. The Sr. Divisional Operations Manager,
Southern Railway, Salem Division,
Salem – 636 001.
4. The Divisional Railway Manager,
Southern Railway, Salem Division,
Salem – 636 001.
5. The Chief Operations Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 600 003.
6. The Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem – 636 001.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 8th November 2013 this
Tribunal on the same day delivered the following :-

ORDER

HON'BLE MR.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

This Original Application has been filed by the applicant impugning Annexure A-1 charge sheet as well as Annexure A-2 to Annexure A-4 orders passed by the Disciplinary, Appellate and Revisionary authorities in a disciplinary proceedings initiated against her deceased husband who was an employee of the Southern Railway. A penalty of compulsory retirement was imposed on the delinquent employee by the Disciplinary Authority by Annexure A-2 order dated March 28, 2008. The said order was confirmed in appeal by the Appellate Authority in September, 2008 as could be seen from Annexure A-3. Thereafter the Revisionary Authority confirmed the above order in Annexure A-4 order dated February 16, 2010. Still later, Annexure A-5 order was issued by respondent No.6 directing the authority concerned to initiate further consequential action to take possession of the Railway properties including the quarters entrusted to the employee.

2. This Original Application has been filed by the widow of the delinquent employee with a petition to condone the delay of 682 days. We have perused the averments in the affidavit filed in support of the Miscellaneous Application for condonation of delay. It is seen from the affidavit that the delinquent employee passed away on December 12, 2008. According to the applicant, she had submitted several representations before the competent authority seeking compassionate appointment for her son. However, no sympathy was shown to her by the Administration. It is in the above circumstances that she has decided to take recourse to this judicial remedy. The reason stated for the delay is not at all convincing or satisfactory, to say the least.



3. Anyhow, we have perused the orders passed by the Disciplinary, Appellate and Revisionary Authorities carefully and heard learned counsel for the applicant at length. The following charges were levelled against the applicant in the Disciplinary Proceeding :-

"1. He was under the influence of alcohol while on duty, violating GR 2.09.

2. He failed to perform train passing duty after 01:20 hrs on 19.1.2007 necessitating an off duty SM being utilized to perform the said duty.

3. He failed to make proper and complete entries in the TSRs from 21:00 hrs on 18.1.2007 to 01:20 hrs on 19.1.2007 violating Para 6.3 Note 5 of the SWR of TNT station."

4. The Enquiry Officer held that all the above charges were satisfactorily proved against the delinquent employee. It is seen from the record that the inquiry was held after affording sufficient opportunity to the delinquent to defend himself at every stage. A perusal of the orders passed by the three statutory authorities will also show that all the contentions raised by the delinquent before them were duly considered. Applicant has not been in a position to point out violation or infraction of any of the rules of procedure or principles of natural justice. The penalty imposed on the delinquent cannot be said to be excessive or disproportionate to the charges levelled against him. It is trite that scope of interference in such matters in exercise of the power of judicial review is very narrow and limited. In that view of the matter, we do not find any reason to interfere with the orders passed by the three statutory authorities. The consequential action taken under Annexure A-5 also does not suffer from any illegality or irregularity.



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5. We do not find any merit in any of the contentions raised by learned counsel for the applicant. Accordingly, the Original Application is dismissed.

(Dated this the 8th day of November 2013)

Rudhra
RUDHRA GANGADHARAN
ADMINISTRATIVE MEMBER

ABM
JUSTICE A.K.BASHEER
JUDICIAL MEMBER

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