

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

Date of decision: 4-10-1993

Original Application No.124 of 1992

Al Joseph Joan of ARC - Applicant  
Mr P Sivan Pillai - Counsel for the applicant

V.

1. Union of India through  
General Manager,  
Southern Railway,  
Park Town P.O., Madras-3.
  2. Additional Divisional  
Railway Manager,  
Southern Railway,  
Palghat Division, Palghat.
  3. Divisional Operating Superintendent,  
Southern Railway, Palghat Division,  
Palghat.
  4. Divisional Railway Manager,  
Southern Railway, Palghat Division,  
Palghat. - Respondents
- Mr MC Cherian & TA Rajan - Counsel for the respondents

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HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
&  
HON'BLE MR R RANGARAJAN, ADMINISTRATIVE MEMBER

JUDGEMENT

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges the order of punishment imposed on him, confirmed in appeal by second respondent. The charge was that, applicant a Railway Guard did not report for duty in time on 19.6.1991, and that Train No.6041 was delayed by 35 minutes on that account.

Applicant relying on Annexure-A5, would submit that he was called for duty at 4.20, that he reported at 4.28 and that he could not have been more prompt than he was. He would invite our attention to orders governing the subject, and submit that a Guard like him, is liable to be woken up by the 'Call Boy'. The alleged suspension of the Call Boy and the Deputy Station Superintendent are referred by applicant, to show that the lapse was not on his part, but on their's. Otherwise, they would not have been placed under suspension, submits applicant. He also invited our attention to Annexure-A9 order by which a person facing a similar charge, one Howett was exonerated.

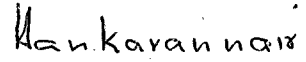
2. The charge lacks precision and the appellate order lacks reasons. We do not know whether there was any lapse on the part of the Call Boy. These are matters to be examined by higher authorities. We are sure that the Chief Operating Superintendent, Southern Railway, Madras, who is a very senior level officer will be able to examine the matter in depth and take an appropriate decision. Applicant may file detailed representation before the said officer within three weeks from today. The said officer shall take a decision thereon, within four months of the date of receipt of the representation.

3. With this direction, we dispose of the application. No costs.

Dated, the 4th October, 1993.



R RANGARAJAN  
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

trs/5/10

List of Annexure

1. Annexure-A5 : True copy of the representation of applicant dated 27.6.1991 to the third respondent.
2. Annexure-A9 : Photocopy of the order bearing No.J/T.348/6531/DPI/54 dated 3.4.1992