

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.251/99

Wednesday, this the 3rd day of March, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR R.K.AHOOJA, ADMINISTRATIVE MEMBER

S.Sheelakumari,
Senior Commercial Clerk,
Booking Office,
Ernakulam Junction,
Southern Railway. - Applicant

By Advocate Mr V.R.Ramachandran Nair

Vs

1. Union of India represented by
the General Manager,
Southern Railway,
Chennai.
2. The Divisional Railway Manager,
Southern Railway,
Trivandrum.
3. The Additional Divisional Railway Manager,
Southern Railway,
Trivandrum.
4. The Senior Divisional Commercial Manager,
Southern Railway,
Trivandrum. - Respondents

By Advocate Mr Mathews J Nedumpara, ACGSC

The application having been heard on 3.3.99, the
Tribunal on the same delivered the following:

O.R.D.E.R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

This application is directed against the order A-3 of the
4th respondent-the Senior Divisional Commercial Manager, Southern
Railway, Trivandrum imposing on the applicant a penalty of
reduction in pay from Rs.1470/- to Rs.1440/- in the time scale

of Rs.1200-2040 for the period of one year with recurring effect w.e.f.10.11.96 and the appellate order A-6 passed by the 3rd respondent refusing to interfere with the order of the disciplinary authority. The penalty was imposed on the applicant after an enquiry into the alleged misconduct that she failed to maintain devotion to duty in regard to refund of a ticket fare on cancellation. Though the applicant in the reply admitted that there was an error, she pleaded that mistake happened due to pressure of work and was not intentional, she therefore pleaded that she was not liable for any penalty. However, in the enquiry finding that the applicant was guilty the penalty was imposed on her. The applicant challenges the legality, propriety and correctness of the impugned orders on various grounds. The main ground on which the applicant challenges the A-6 order of the appellate authority is that he is not competent to deal with the appeal filed against A-3 order. The ground of challenge against A-3 is that the penalty is not one which is specified on Rule 6(v) of the Railway Servants Discipline and Appeal Rules.

2. We have perused the application and have heard the learned counsel on either side. We have seen the schedule II which deals with the powers of discipline and appeal vested in various officers. Column 5 of the schedule II reads as follows:

"Additional Divisional Railway Managers in relation to the Department attached to them/Divisional Railway Managers."

The Additional Divisional Railway Manager is shown as an appellate authority. We are of the considered view that the contention raised by the applicant that the 3rd respondent is not the competent authority, is baseless in view of the rules

position. Coming to the contention of the applicants that the penalty of reduction to a lower stage in pay with a recurring effect is repugnant to the rules also has no force. A reading of the Rule 6(v) and an interpretation of the impugned order A-3 would clearly show that the penalty imposed by A-3 is the same as what is provided in Rule 6(v) of the Rules. We do not find any merit in this application which is dismissed leaving the parties to bear their own costs.

Dated, the 3rd of March, 1999.

R.K. Ahuja
(R.K. AHOOJA)
ADMINISTRATIVE MEMBER

A.V. Haridasan
(A.V. HARIDASAN)
VICE CHAIRMAN

trs/4399

LIST OF ANNEXURES

1. Annexure A3: True copy of the penalty Advice No.V/V0/T/FR/46/95 dated 18.10.1996 issued by the 4th respondent.
2. Annexure A6: True copy of the appellate order No.V/V0/T/FR/46/95 dated 17.4.1998 issued by the 3rd respondent confirming the penalty imposed to the applicant.

.....