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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A.No.266 of 1990.

Mohd.Ayyub KhanApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

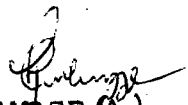
The applicant was punished by withholding increments for two years. His appeal against the same was also dismissed. Thereafter, he approached this tribunal.


2. The applicant was working as Deputy Chief Controller, North-Eastern Railway, Lucknow. A memo was issued to him on 20.5.89 requiring him to furnish his representations against the neglect of duty, irresponsible working, lack of planning and foresightedness. Precisely, the charge against the applicant was that while he was working as Deputy Chief Controller in 16.00 odd hours, shift on Lucknow Jn. Gonda Board on 16.5.89 detained 541 Up for one hour at Colonelganj for crossing 166-A Up and 115 Down endorsing to be before time on Control Chart and the train ultimately lost its punctuality. It was further stated that had 541 Up been pushed to Jarwal Road to cross 115 Down as per public Time Table so published in Working Time Table, 541-Up would not have lost its punctuality. The applicant refuted the charge stating that the main reason for loss of punctuality was the loco requirement by driver, at Burhwal Station-because he unnecessarily stayed there for more than ten minutes and that he was never given a copy of Working Time Table and in the absence of the availability of Working Time Table, he did have no option except to take guidance from the Master Chart available in the Control Room in

which the Public Departure Time from Colonelganj was incorrectly mentioned therein. Correction was made in the Master Chart on 18.5.89 by the Deputy Chief Controller (Coaching) Cell i.e. after the date of occurrence and not before that. The applicant submitted his representation and according to the applicant, the matter was further enquired into by the Assistant Operating Superintendent at his back who submitted his report and on that basis, the punishment order was passed. According to the applicant, the punishment order is violative of principle of natural justice and that it has been acted upon on the basis of the report which had been given behind at his back and that the said order is not a speaking order. It was a case of minor punishment.

3. The respondents, in their written statement, have refuted the charge levelled by the applicant and have stated that every responsible Officer is supposed to know the rules and in this connection, they have made reference to Para 2.03(a) under Chapter II of the General & Subsidiary Rules Book for Indian Railways which provides that "every railway servant shall be conversant with the rules relating to his duties whether supplied or not with a copy or translation of the Rules relating to his duties and the Railway Administration shall ensure that he does so." Revised Time Table was enforced from 1.5.89 and the copy of the Working Time Table was provided to the Controller/Deputy Chief Controller of each Control Board on 30.4.89 under their clear signatures and as such the applicant was supposed to know the same even otherwise it was his duty to ascertain the latest Working Time Table and he could not have been heard saying that he was not aware of the revised Time Table in the

month of May, 1989. The applicant's allegation that the enquiry was held behind his back, is refuted and the respondents have stated that the charges against the applicant since pertain^{ed} to coaching work i.e. detention of train in crossing, hence remarks were called for from Shri K.B.Lal, Assistant Operating Superintendent (Coaching) who was the Incharge of Coaching Movement of trains. After taking into consideration the representation, the respondents were not satisfied with the same, that is why minor punishment was awarded. There appears no good ground. Personal hearing was also given to the applicant by the appellate authority. The order, passed by the appellate authority, is a speaking order and it cannot be said that any extraneous matter was used and the opportunity in respect of minor punishment was not afforded to the applicant. Detention, in fact, occurred and the respondents found that the applicant cannot escape from his liability. It may be that the others were also responsible but in case he would have acted in accordance with the revised time-table, detention could not have occurred. Accordingly, we do not find any good ground to interfere with the same and the application is dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: NOVEMBER 19, 1992.
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