

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transfer Application No. 1140 of 1987

Versus

Union of India & Others Respondents

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

Hon'ble Mr. K. Obayya, Member (A)

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

This transfer application was filed as a writ petition by the applicant in the High Court in year 1983 against the minor punishment awarded to him ,he filed the writ petition. Alongwith Driver Mohd. Jaheer Uddin the applicant was booked to work on one particular Engine on 9.6.1981 and it is said that both these persons got their engine attached with 64 Down Awadh Express which was received on Platform No. 3 at Kanpur Central Railway Station and bound to move towards Lucknow. A collison took place of 64 down Awadh Express and 155 Up Tinsukhiya Mail. According to the department, in case, these persons would have taken the necessary care and caution, the same would have been averted. Consequently, a charge-sheet was served to the applicant also for violating G.R. 119,G.R.76(a),G.R.120 & S.R. 122/I. The enquiry Officer was appointed and the applicant submitted his defence. During the course of enquiry , the applicant gave in writing ^{alongwith} the letter which was given to him by the enquiry officer, that he has ^{accepted} ~~Z~~ the charges against him and ^{with} the request that a lenient view may be taken, he had already clarified his position in defence to the above charge dated 11.11.1981, this writing was given to him

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on the back of the letter on 15.5.1982. The enquiry officer submitted his report and acting on it, the disciplinary authority removed the applicant from service as he was found to have violated the safety rules by not observing the aspect of signal for his train. Before the enquiry officer the witness were also examined. After enquiry, the show cause notice was issued to the applicant on which the endorsement was later on made. The disciplinary authority removed the applicant from service. The applicant filed an appeal against the punishment order dated 4.9.1982. The appellate authority modified the punishment and reduced it as Fireman 'C' for two years. Thereafter a revision application was filed by the applicant and the revision application was dismissed and the punishment given in appeal was maintained, thereafter the applicant filed a writ petition.

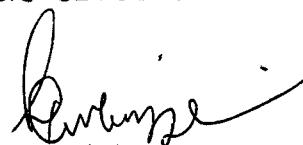
2. The grievance of the applicant is that full opportunity of hearing was not given to the applicant. The witnesses were examined and it can not be said that opportunity of hearing was not given to the applicant. If the applicant later on admits his charge, which was levelled against him, it is no longer for the applicant to raise the contention against the same. It was all matter as to whether the safety rules were observed or not and for that it was found that there was ample evidence to bring him the ^{the} _{guilt} of the applicant and that's why this finding was recorded and his request was also considered. The punishment which has been awarded to the applicant is in tune with admission made by -----

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him and prayer that a lenient view may be taken .
There appears to be no illegality in the procedure
which was adopted or the order which was passed.
Accordingly, the application lacks merit and it is
dismissed. No order as to the costs.


Member (A)


Vice-Chairman

Lucknow Dated: 16.11.1992.

(RKA)