

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCHAPPLICATION No. 470/86 (F)

(WP. NO. —)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 18-8-87

APPLICANT

Vs

RESPONDENTST. A. Sivasaraman
TODir. Rly. Manager, S. Rly.
Dharwar and Apr

1. Sri T. A. Sivasaraman,
Engine Driver 'A' Grade,
Hoco Shed, South Central Railway,
Hubli, Dist. Dharwar.
2. Sri S. R. Bannurmal, Advocate,
Kannurivara,
No. 54, V. H. C. Road, Vasanth Nagar,
Bangalore - 52
3. Dir. S. R. Railway Manager,
South Central Railway,
Hubli, Dist. Dharwar.
4. Divisional Mechanical Engineer,
South Central Railway,
Hubli, Dist. Dharwar.

S. Sri M. Sreedharaiah,
Advocate,
S. P. Building, 10th Cross,
Cubbonpet Main Road,
Bangalore - 2.SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 470/86 (F)

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Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on
12.8.87.

RECEIVED 14/8/87

Diary No. 1041/GR/87

Date: 21/8/87
ENCL: As above.DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 12TH AUGUST, 1987

Present: Hon'ble Shri Justice K.S.Puttaswamy, Vice-Chairman
Hon'ble Shri B.N.Jayasimha, Vice-Chairman
Hyderabad Bench

APPLICATION NO. 470/1986

T.A.Sivaraman,
Engine Driver 'A' Grade,
Loco Shed, South Central Railway,
Hubli, District Dharwar.
(Shri S.R.Bannurmeth, Advocate)

...Applicant

Vs

1. Divisional Railway Manager,
South Central Railway,
Hubli, Dist. Dharwar.
2. Divisional Mechanical Engineer,
South Central Railway,
Hubli, Dist. Dharwar.

...Respondents

(Shri M.Sreerangaiah, Advocate)

This application having come up for hearing to-day, the
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under Sec.19 of
the Administrative Tribunals Act, 1985 ('Act').

2. At the material time, the applicant was working as an Engine
Driver 'A' Grade in the Hubli Division of the South Central Railway(SCR).

3. On 14-9-1984, the applicant was the Engine driver of Train
No.241-UP called as "Golgumbaz-Express", passenger train. On its

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Journey, the said train had to pass through a Railway Station called 'Hulikoti Railway Station' without a stop at that station, normally passing on the 'main line' of that station. On that day, the said train, instead of passing on the 'main line' entered the 'loop line' on which a goods-train was stationed and on noticing the same, the applicant stopped the said train and thus avoided a collision between them.

4. With reference to the aforesaid event and a fact-finding enquiry, the Senior Divisional Mechanical Engineer(Loco), Hubli ('DME'), initiated disciplinary proceedings against the applicant under the Railway Service(Discipline and Appeal) Rules, 1968('the Rules'), and served on him a charge-sheet on the following charge:-

Statement of article of charge framed against Sri T.A.Shivaram, Driver 'A'/UBL.

Article of charge No.I

That the said Sri T.A.Sivaraman, while functioning as Driver on engine No.UP.2754 of T.No.241 up BURM SBC Golagumbaz Express, from 3-20 hours to 10/25 hours on 14-9-1984 Ex-GDC failed to see the aspect of signals and entered road 2 (loopline) of LKT Station, passing up Home signal at 'On' position on 14-9-1984.

As a result, T.No.241 Up SURM-SBC Golguramaz Express, worked by Engine No.YP. 2754 with a load of 9/929 tonnes, passed up Home signal of LKT Station in 'On' position, and entered into loopline(Road 2) which was already occupied by T.No.HFG.50 Dn.Dsl. Goods, trailing through slip siding point No.9 in the locked condition, and stopped short of No.HFG.50 Dn.Dsl. goods with a distance of 7 meters on 14-9-84.

Thus, he has violated GRs 4.40 and 3.83 (1).



In response to the same, the applicant filed his written statement inter alia contending that the person who was exclusively responsible for his passing the train on the 'Loop line' was the 'East Cabinman' of the Hulikoti Railway Station and he was in no way responsible for the same.

5. On the denial of the charge by the applicant the DME appointed one Shri S.A.Rahman, who was then working as a Senior Fuel Inspector, as the Inquiry Officer('IO') to hold a regular inquiry under the Rules and submit his report to him. On holding a regular inquiry and on a consideration of the oral and documentary evidence placed before him, the IO made his report on 25-1-1985 in which he found the applicant guilty of the charge levelled against him.

6. On a consideration of the said report of the IO and the records, concurring with the findings of the IO, the DME on 14-2-1985 inflicted the penalty of removal from service against the applicant. Aggrieved by the same, the applicant filed an appeal before the Divisional Railway Manager, South Central Railway, Hubli (DRM), who by his order made on 17-4-1985, dismissed the same. Aggrieved by them, the applicant approached the High Court of Karnataka in W.P. No.10400/85 which on 1-8-1985 allowed the same and directed the DRM to dispose of the appeal of the applicant afresh. In pursuance of the same, the DRM had restored the said appeal and had again dismissed the same on 18-12-1985. Hence, this application.



7. Shri S.R.Bannur Math, learned Counsel for the applicant, strenuously contends that the applicant was in no way responsible for passing the train on the loopline and the person exclusively and solely responsible for the same was the 'East Cabinman' of the Hulikoti Railway Station, which aspect had been totally lost sight of by all the authorities in recording their findings of guilt against the applicant or this was a case, in which no reasonable man would ever reached the conclusion reached by them.

8. Shri M.Sreerangaiah, learned Counsel for the respondents, contends that the authorities had not misdirected themselves in the appreciation of evidence on record and have reached their conclusion on a proper appreciation of the evidence placed before the IO and their findings cannot be upset by this Tribunal in exercise of its judicial review.

9. We have carefully examined the Charge Memo, the Statement of Imputations and the report of the IO.

10. We find that the IO in appreciating the evidence placed before him and recording his findings had not at all misdirected himself as urged by the applicant. On the other hand, the IO a technically qualified person, had found that there was remisness on the applicant passing on the loop line, he was guilty of the charge levelled against him. On an independent examination of the evidence, this and other grounds urged by the applicant, both the DRM and the DME, who are also technically qualified have concurred with the findings of the IO. From this, it follows that the criticism of Shri Bannur Math that all

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iii) We permit the applicant to occupy the Railway Quarters in his occupation at Hubli only till 30-9-1987. We also permit the respondents to make payment of the terminal benefits due to the applicant only after he vacates the Railway Quarters and not before that.

18. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd _____
VICE CHAIRMAN(J) 12/8/87

Sd _____
VICE CHAIRMAN(A) 12.8.87

'True copy'

B.V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
18/8/87