

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 5TH SEPTEMBER, 1986

Application No. 445/86(F)

C.M. Abdul Gaffar
R.T. 2324, Station Master,
Maralahalli, R.S. Bangarapet Taluk,
(Bangalore Division) ... Applicant
(By Shri S. Kandaswamy)
V/s.

Sunil Kumar,
Senior Divisional Transportation Supdt.,
Southern Railway,
Bangalore. ... Respondent
(By Shri M. Sreerangaiah)

Coram: Ch. Ramakrishna Rao, Member(J)
P. Srinivasan, Member(A)

JUDGMENT

(Per Srinivasan, Member)

The Applicant was working as Station Master at Gudupalli Railway Station during the period to which this application relates. On 16.3.85, he granted Casual Leave to one of the two Assistant Station Masters at Gudupalli, Shri Rajendran for 3 days i.e. from 16.3.85 to 18.3.85. The Applicant has stated in his application that he "advised the office for approval and for facilitating to arrange relief" - the reference apparently being to the office of his superior authority. Again, on 18.3.85, he gave one day's Casual Leave to the other Assistant Station Master, Shri M.S. Ravi as the latter's wife was to undergo a Caesarian operation. Till January, 1985, a Station Master was competent to grant Casual Leave to Assistant Station Masters working under him. However, it was noticed by the administration that there was a tendency for Station Masters to grant leave to their Assistant Station Masters indiscriminately and to work overtime themselves on that account and claim overtime allowance for such extra work. It was also noticed that due to the excessive strain imposed on Station Masters who worked overtime in this manner, serious railway accidents could

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take place. Therefore, to check this tendency the power to grant leave to Assistant Station Masters was withdrawn from Station Masters by a letter dated 15.1.1985 issued by the Senior Divisional Transportation Superintendent at Bangalore under whom the Applicant was functioning. A Station Master could, however, grant one day's Casual Leave in cases of emergency and advise the Overtime Control Cell at the Divisional Office immediately thereafter, but he could not grant Casual Leave beyond one day. As explained earlier, the main emphasis in issuing this instruction was to avoid accidents due to strain and also to reduce overtime allowance claims.

2. Disciplinary action was initiated against the Applicant for having granted Casual Leave to the two Assistant Station Masters on his own in violation of the instruction dated 15.1.85 and a penalty of withholding increments for 24 months was imposed. The Applicant's appeal against the order was rejected. The Applicant is aggrieved by the order imposing the penalty passed on 26.7.85 as well as by the order dated 28.10.85 rejecting his appeal.

3. As stated above, the Casual Leave granted to Shri Ravi is said to be on account of his wife's Caesarian operation which could be called an emergency. This has not been contradicted by the Respondent in his reply. So far as leave granted to the other Assistant Station Master, Shri Rajendran, is concerned, the Applicant contends that he informed his superior authority and sought his ^{approval and} ~~for~~ relief arrangements but there is nothing on record to support this. In any case, he could not grant leave for more than one day. Therefore, it is clear that the Applicant disregarded the instructions issued by his superiors in granting Casual Leave to Shri Rajendran for 3 days. It is common ground, however, that the Applicant did not actually claim any overtime allowance for the period that the two Assistant Station Masters were on leave though the order imposing penalty and the Respondent's reply suggest that

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the Applicant granted the leave in order to claim overtime allowance, an allegation which cannot be proved. What remains therefore, is that the Applicant granted Casual Leave to Shri Rajendran in excess of his powers and himself worked beyond the normal hours of duty at the risk of railway safety. As it happened, fortunately, no untoward event occurred. The Applicant surely deserved to be reprimanded, but we think the penalty imposed on him was too heavy. In his appeal against the order imposing penalty he promised to be more careful in future. To our question whether any disciplinary proceedings were taken against the Applicant in the past, Counsel for Respondent could not give any reply. Therefore, assuming that this was the first time that the Applicant departed from strict observance of rules, we think it would have been sufficient to issue a recordable warning to him, instead of depriving him of his increment for 24 months.

4. In the result, we would modify the penalty imposed on the Applicant to a recordable warning and dispose of the application accordingly. No order as to costs.

P. Srinivasan
5/9/86

(P. SRINIVASAN)
MEMBER(AM)

Ch. Ramakrishna Rao
5/9
(CH. RAMAKRISHNA RAO)
MEMBER(JM)