

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

TRANSFERRED/ORIGINAL-APPLICATION NO. 779 of 1987

DATE OF ORDER: June, 1990

BETWEEN:

Mr. T.Rama Rao

APPLICANT(S)

and.

The Asstt. Signal cum Telecom Engineer (OL), **RESPONDENT(S)**
S.E.Railway, Waltair and 2 others

FOR APPLICANT(S): Mr. P.B.Vijaya Kumar, Advocate

FOR RESPONDENT(S): Mr. P.Venkatarama Reddy, SC for Railways

CORAM: Hon'ble Shri J.Narasimha Murthy, Member (Judl.)
Hon'ble Shri R.Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Bench/ of the Tribunal?
5. Remarks of Vice-Chairman on columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench):

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL & HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.779 of 1987.

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Date of order 20.6.1990.

Between:

T.Rama Rao.

. Applicant.

Vs.

The Assistant Signal Cum-Telecom
Engineer (OL) South Eastern Railway,
Waltair and two others. .. Respondents.

Sri P.B.Vijaya Kumar, Counsel for the Applicant.

Sri P.Venkata Rama Reddy, Standing counsel for the
Respondents.

CORAM:

Hon'ble Sri J.Narasimha Murty, Member (Judicial).

Hon'ble Sri R. Balasubramanian, Member (Administrative)

Judgment of the Bench delivered by
Hon'ble Sri J.Narasimhamurty,
Member (Judicial).

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This Application is filed for quashing the
Order No. WSG/74/T.Ramaraao/ESM.III dated 25--9--1987
passed by the 3rd respondent and for all consequential
benefits.

The averments in the application are as follows:

The applicant has been working as ESM/III in
the South Eastern Railway, Waltair under the control of
the respondents. The 1st respondent who is the
Disciplinary Authority has served a Chargesheet

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No. WSG/74/T.Ramarao/ESM/III dated 21--7--1986 on the applicant for the following charges:

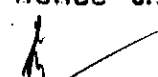
Sri T.Rama Rao, while working as ESM/III at WAT under SI/Spl./I/WAT maintained the Elect. Signal. Gears, was on duty at WAT North Cabin from 16-00Hrs. to 24-00 Hrs. on 19--3--1986. During the course of his duty, he failed to check the condition of this point. The Home signal was made clear by adopting short cut method adopted by looping the relays in the relay room. The action of Sri Ramarao is, therefore, in contravention of Rule GR.3-51 SR 3.51.02 and 3.51.04. Thus Sri Ramarao has violated the provisions of Rule 3(i)(ii) of Railway Servants (Conduct) Rules.

Sri T.Rama Rao while working as ESM/Gr.III/WAT under SI/I/WAT maintaining the Electrical Signal Gears at Waltair North cabin was on duty from 16-00 hrs. to 24.00. On 19--3--1986 he has failed in devotion to his duties with the result, the steam loco No.7373 of 79 UP EXP derailed at Point No.56. The cause of the derailment was due to point No.56 was not set and locked correctly by looping of the Relays in the Relay room by adopting short cut method, for making the Home signal clear forcibly. Sri Rama Rao was the maintainer having access to enter into the relay room and there is no chance for any out-sider agency to interfere and to enter into the Relay room without his knowledge. He has also failed to visit the site of the accident and check the point. The action of Sri Ramarao for making clear the home signal by adopting a slip shot method is therefore in contravention

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of Rule GR.3.51 SR 3.51.02 and 3.51.04. Thus Sri T. Ramarao has violated the provisions of Rule 3(i)(ii) of Railway Services (Conduct) Rules 1966 which lays down that every Railway servant shall at all times maintain devotion to duty. The applicant submitted his explanation dated 27..6--1987 seeking supply of some more documents in order to face the enquiry. Subsequently M.V.Krishna Rao, SI/Spl. was appointed as Enquiry Officer by the 1st respondent who conducted the enquiry. He has concluded the same and submitted his report dated 16--3--1987 to the 1st respondent. At that juncture, the 2nd respondent entered the scene as punishing authority and passed an order dated 13--7--1987 reducing the applicant to the post of Khalasi-Helper for a period of two years. On Appeal it was reduced by the 3rd respondent by his orders dated 25--9--1987 to one year without the effect of postponing the future increments. On appeal, it was reduced by the 3rd respondent by his orders dated 25--9--1987 to one year without the effect of postponing the future increments.

The applicant states that the order of Reduction dated 25-9--1987 is arbitrary, illegal, malafide and is untenable under law. Hence this application.



61

The respondents filed their counter
contending as follows:

On 19--3--1986, the Steam loco attached to
79 UP Express derailed at point No.56 of Waltair North
Cabin. It was revealed by the observations made by the
concerned authorities immediately after the accident as well
as by fact finding enquiry made by the Senior Scale
Officers that the derailment was caused by reason of the
fact that although Point No.56 could not be properly set
and locked on account of a gap, the home signal was
cleared forcibly by adopting short-cut method, viz.,
by looping of the relays in the relay room. The
applicant, Shri T.Rama Rao was on duty as Electrical
Signal Maintainer at Waltair North Cabin during that
time. The applicant was the only official on the
spot who was having access to enter the relay room and
there was no chance of any outside agency to interfere with
the relays without his knowledge. Moreover, he failed
to visit the site of accident and check the point
immediately. As the train was moving slowly, a major
disaster was averted.

A Charge Memo was issued to the Applicant
by the 1st respondent on 21--7--1986. The applicant
submitted his explanation on 26--7--1986. Not being



satisfied with the explanation, the 1st respondent appointed Enquiry Officer ~~Shri~~ Signal Inspector, Srungavarapukota to enquire into the charge on 21--10--1986. The Enquiry Officer submitted his report on 16--3--1987. In the course of enquiry, oral and documentary evidence was adduced on both sides and the applicant was also examined. The Enquiry Officer held the applicant guilty of the charge after an elaborate discussion of the evidence on record. After the said report was submitted, the defence statement of the applicant was received on 31--3--1987. As it was not within the competence of the 1st respondent to impose any major penalty other than reduction to a lower time scale, the papers were submitted to the 2nd respondent, the Divisional Signal & Telecom Engineer who after going through the enquiry proceedings, the enquiry report and the defence statement, agreed with the findings of the Enquiry Officer and decided by his order dated 13--7--1987 that the applicant should be reduced in rank to the post of Khalasi Helper for two years without postponment of his future increments on restoration. The applicant preferred an appeal to the 3rd respondent. The Appellate Authority after hearing the applicant and his defence assistant in person and after considering the entire record passed a reasoned order holding the charge as proved. However, he reduced the punishment by restricting the period of reversion to

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one year instead of two years. The Applicant has not filed any review petition against this order.

The impugned penalty order as confirmed by the Appellate Authority is perfectly legal and valid and does not suffer from any infirmity. The procedure contemplated by the Railway Servants (Discipline and Appeal) Rules has been scrupulously followed. The various contentions raised by the applicant in the grounds are devoid of merit and they are denied.

Heard Sri P. B. Vijaya Kumar, learned counsel for the Applicant and Sri P. Venkatarama Reddy, learned Standing Counsel for the Railways.

The applicant was on duty from 1600 Hrs. to 2400 Hrs. on 19--3--1986. On that day the Steam Loco No. 7373 attached to 79 UP Express derailed at Point No. 56 of Waltair North Cabin. The cause of derailment was due to Point No. 56 could not be properly set and locked on account of a gap, the home signal was cleared forcibly by adopting short-cut method viz., by looping of the relays in the relay room. The applicant was the maintainer having access to enter into the Relay room and there is no chance for any outside agency to interfere with the relays or to enter into the relay room, without the knowledge of the applicant. He has failed to visit the scene of occurrence and

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check the point. The action of the applicant in clearing the Home Signal by adopting a slip-short method is therefore in contravention of Rule GR351 SR 3.51.02 and 3.51.04 and therefore violated the provisions of Rule 3(i)(ii) of Railway Service (Conduct) Rules, 1966.

Sri M.V.Krishna Rao was the enquiry Officer and he conducted inquiry and submitted his report. ~~xx~~ ~~xxx~~ On the report of the Enquiry Officer, the Disciplinary Authority reduced him to the post of Kalasi Helper for a period of 2 years and on appeal it was reduced by ~~xx~~ 3rd respondent to one year.

The applicant in his evidence stated that he has not done anything wrong. He also stated that any outside Agency had not done anything because nobody can enter the Relay room without his knowledge. He stated in his evidence that ^{when} there is a gap in point No.56 interlocking does not permit the signal for route - 1 to be taken off and in his answer to Question No.95 he stated that the signal for Route No.1 can be taken off by adopting unsafe methods in the relay room when point 56 is gapping by 12 mm. The Enquiry Officer on the basis of this statement ~~xxxx~~ ~~xx~~ ~~xxx~~ has come to the conclusion that the applicant knows the means of adopting short cut method

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for clearing the signal for Route No.1 when the conditions are not favourable for its being taken off.

The respondents contend that the petitioner is at fault and therefore the accident took place on account of his carelessness.

In this, there is no doubt, that & on account of negligence on the part of the applicant, the train was de-railed and because the train was moving slowly a major accident was averted. In the enquiry it was revealed that the derailment was caused by reason of the fact that although Point No.56 could not be properly set and locked on account of a gap, the home signal was cleared forcibly by adopting short-cut method viz., by looping of the relays in the relay room. The applicant was on duty as Electrical Signal Maintainer at Waltair North Cabin during that time. He was the only official on the spot who was having access to enter the relay room and there was no chance of any outside agency to interfere with the relays without his knowledge. This shows that the applicant has exclusive control over the Cabin at that time. On account of short-cut methods, derailment was occurred.

It is purely a technical defect caused on account of the negligency or short-cut method adopted by the applicant. ^{If} /A person who was put in such a responsible position and place applies short-cut methods or acts

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negligently, there is every likelihood of happening major accidents concerning to hundreds of human lives. While discharging such important duties the officials are not expected to act negligently or irresponsibly. The fact is that the train was de-railed on account of the defects in the signalling and it is also found that Point No.56 could not be properly set and locked on account of the gap. The Home Signal was cleared forcibly by adopting short-cut methods. The applicant is the only man who has got access to get into the relay room. On that day he was on duty as Electrical Signal Maintainer and he is the only official at the spot having access to enter into the relay room. So any mistake or defect caused in the operation of Signal Mechanism, the applicant is responsible. Moreover he has failed to visit the ~~xx~~ scene of occurrence even. This clearly shows that he has acted negligently on that particular day at that particular point of time. The applicant was therefore, rightly charge-sheeted by the respondents.

The ^{applicant} ~~applicant~~ raised number of grounds such as non-supply of documents etc., which cannot disprove the fact of his negligence in discharging his duty. Generally, the ^{negligent} acts of the Signallers will lead to major disasters in the Railways.


In the instant case, the train was moving

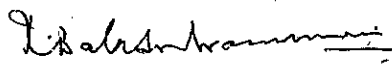
67

slowly, the major accident was averted. In such cases, the Administration should not be lenient in dealing with the persons who are not properly discharging their duties.

In the circumstances, we hold that the punishment imposed on the applicant by the respondents is just and proper and we see no reason or ground to interfere with the action of the respondents.

In the result, the Application is dismissed. There will be no order as to costs.


(J. NARASIMHAMURTY)
Member (J)


(R. BALASUBRAMANIAN)
Member (A)

Date: 20.6.90


For Deputy Registrar(J)

SSS.

To:

1. The Asst. Signal cum Telecom Engineer(DL)south Eastern railway, Waltair-530 004.
2. The Divisional Signal cum Telecom Engineer, (DL) south eastern railway, Waltair-530 004.
3. The Senior Divisional Signal cum Telecom Engineer(DL) South eastern railway, Waltair-530 004.
4. One copy to Mr.P.B.Vijay kumar, Advocate, A-1-8-7/11, Chikkadpalli, Hyderabad-500 020.
5. One copy to Mr.P.Venkatarama Reddy, SC for Rlys., CAT, Hyd.
6. One spare copy.

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