

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 18/1/2001

OA 620/93

C.K.Chaturvedi, Asstt. Station Master at Chomu Samodh, Jaipur
Division, Jaipur.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Safety Officer, W/Rly, Jaipur Dn., Jaipur.
3. Addl. Divisional Rly Manager, W/Rly, Jaipur Dn., Jaipur.
4. Sr. Divisional Operating Manager, W/Rly, Jaipur Division, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr. Shiv Kumar, proxy counsel
for Mr. J. K. Kaushik

For the Respondents ... Mr. Manish Bhandari

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

Applicant has prayed in this OA that major penalty charge-sheet SF-5, issued under Rule-9 of the Railway Servants (Discipline & Appeal) Rules, 1968, dated 29.5.90 (Ann.A/1), and notice of imposition of penalty thereon dated 16.8.91 (Ann.A/2) and further orders in appeal may be declared illegal and without jurisdiction and he be allowed all consequential benefits.

2. Facts, as stated by the applicant, are that while functioning as Assistant Station Master at Chomu Samodh Railway Station of Jaipur Division of Western Railway, he was served with a major penalty charge-sheet on 29.5.90 by the Divisional Safety Officer (DSO, for short). An inquiry was held and copy of the inquiry report was supplied to the applicant vide letter dated 15.7.91. The applicant submitted representation against the inquiry report and the DSO imposed a penalty of reduction in two stages below in the same time scale for a period of two years having effect of postponing future increment and seniority. It is stated further by the applicant that his further appeal has been rejected. He has challenged this action of the respondents primarily on the ground of jurisdiction. He claims to be under the administrative control of the Senior Divisional Operating Manager and in that manner the DSO has no jurisdiction to take disciplinary action against the applicant.

3. It has further been stated by the applicant that the entire action of the respondents was based on the report of the ADRM (Respondent No.3). Since respondent No.3 is the senior officer, the action of imposing punishment by the officers subordinate to him cannot be considered legal.

4. Heard the learned counsel for the parties.

5. The learned counsel for the applicant mainly pressed before us the question of jurisdiction of the DSO to take action against the applicant, as DSO had no administrative control over the applicant who was the staff of Operating Department. For this, he relied on Railway Board's

instructions dated 28.7.62, clarified under letter dated 16.10.73 and further on 4.8.97. The main point made was that the disciplinary action can be initiated and finalised only by the authority under whose administrative control the delinquent employee was working.

6. The learned counsel for the respondents stated that in the case of this particular applicant the question of jurisdiction already stood decided. The same applicant, Shri C.K.Chaturvedi, had moved OA 37/93, which was decided by this Tribunal on 16.11.95. The same issue was raised in that OA. Various documents were placed on record in that OA by the respondents to show that the applicant was actually working under the administrative control of the DSO. The Tribunal had also taken note of Railway Board's circular and had come to a conclusion that in the case of the applicant DSO was the proper disciplinary authority as he (DSO) exercised direct administrative control over the applicant. In that view of the matter, this plea of the applicant is liable to be rejected in this OA also.

7. We, therefore, dismiss this OA as devoid of any merit. No order as to costs.

Chpdt
(A.P.NAGRATH)

MEMBER (A)

S.K.Agarwal
(S.K.AGARWAL)
MEMBER (J)