

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 686 of 2003

Jabalpur, this the 20th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Ajay Sharma,  
Son of Shri Awadh Kishore Sharma,  
Aged 38 years,  
Resident of Bilthare Bhawan,  
Behind Degree College, Damoh, MP.

APPLICANT

(By Advocate - Shri Kuldeep Singh on behalf of Shri M.Singh)

VERSUS

1. The Union of India.  
Through the Secretary, Ministry of Railways Rail Bhawan, Bhopal, MP.
2. The General Manager, Western Central Railway, Jabalpur, MP.
3. The Divisional Railway Manager, Central Railway, Jabalpur, MP
4. Senior Divisional Operating Manager Central Railway, Jabalpur, MP
5. Shri A.R.Khan  
Transport Inspector, Sagar,  
Central Railway, Jabalpur, MP

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main reliefs :-

" (a) to quash the order of penalty dated. 23.5.2002, 1.7.2002 and 31.3.2003 (Annexure A/1, A/2 and A/3),

(b) to quash the entire departmental enquiry taken up by respondents against the petitioner vide charge-sheet (Annexure P/4)".

2. The brief facts of the case are that the applicant was working as Assistant Station Master at Aslana station. While he was working as such he had dispatched 189 Dn. Passenger train from Aslana station without obtaining line clear and also particulars were not written in Train Signal register. He was also found to be in the state of intoxication during duty hours. Accordingly a charge-sheet was issued to him on 5.11.2001. A full-fledged enquiry was held against the applicant. The enquiry officer concluded the enquiry holding that the charges are proved. A copy of the findings of the

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enquiry officer was served upon the applicant for making his representation. However, the applicant had not submitted any defence to the show cause notice. The disciplinary authority after taking into consideration the material available on record and the report of the enquiry officer, imposed the penalty of removal from service on the applicant vide order dated 23.5.2002 (Annexure-A-1). The applicant has filed an appeal against the order of the disciplinary authority which has been rejected by the appellate authority vide its order dated 25.7.2002. Then, the applicant filed a revision -petition and the revisional authority vide its order dated 31.3.2003 has also rejected the revision-petition. Aggrieved by these orders, the applicant has filed this OA.

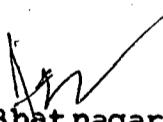
3. Heard the learned counsel of parties. The learned counsel for the applicant has taken following grounds in his defence - (i) that the allegation of the applicant being intoxicated at the relevant time is not sustainable as the medical report has revealed that the conduct of the applicant was normal; that there was no collision nor aborted collision as per the Block Working Manual, hence the applicant could at best be subjected to a minor penalty; and (ii) that the charge regarding violation of paras 12.03(A)(B)(C) and (D) of the Block Working Manual loses its sanctity for the simple reason that the previous train i.e. RNG Goods train had already left the next station before the 189 Dn. shuttle could be released from Aslana station.

4. On the other hand, the learned counsel for the respondents has stated that the enquiry has been held as per the laid down procedure. The applicant was given all opportunities to defend his case. The charges were proved. There was a serious charge against the applicant. He was found in the state of intoxication and he had released the passenger train without obtaining line clear. Thus, a serious accident was narrowly escaped and it was a chance that a serious accident i.e. collision of the passenger train with other trains could not have taken place. As the charges were very serious against the applicant he does not deserve any sympathy and this OA is liable to be dismissed.



5. We have given careful consideration to the arguments advanced on behalf of both the sides. We find that the charges levelled against the applicant have been fully proved. The enquiry has been held as per the laid down procedure. The applicant has been given an opportunity of hearing by giving him a show cause notice. Thus, principles of natural justice have been followed by the respondents. No irregularities or illegalities have been pointed out by the applicant. It is a well settled legal position that this Tribunal cannot reappraise the evidence and also cannot go into the question of quantum of punishment. The charges levelled against the applicant are very serious as while he was working as Assistant Station Master he was found to be in the state of intoxication and he had released the passenger train without any line clear. The applicant himself has admitted his guilt and has suggested that only a minor penalty should have been imposed on him. The charge that he was in the state of intoxication was certified by the Senior Divisional Medical Officer by conducting medical examination. In view of the aforesaid, we do not find any irregularities or illegalities in the action taken by the respondents.

6. In the result, for the reasons stated above, this OA is bereft of merit and is accordingly dismissed, however, without any order as to costs.

  
(A.K.Bhatnagar)  
Judicial Member

  
(M.P.Singh)  
Vice Chairman

rkv.

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....  
प्रियंकिपि अन्वेषित:-

- (1) राधिका, उत्तर राजस्थान का हरिहरेश्वर, जबलपुर
- (2) अमृता दी/रमेश्वरी/दु.....के काउंसल
- (3) परमा दी/रमेश्वरी/दु.....के काउंसल
- (4) उमाकान्त, नंदेश्वर, जबलपुर व्यावरीय  
सूचना एवं आवश्यक कार्यवाही हेतु

  
M. Singh  
MN Banjre

  
I.P. Rajarao