

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT COURT SITTING AT BILASPUR**  
**(CHHATTISGARH)**

**Original Application No. 374 of 2002**

Bilaspur, this the 24th day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Nagina Pandey, Aged about 56 years,  
S/o Shri R.S. Pandey, Token No. 146,  
Technician Grade-I, Marshalling Yard,  
South Eastern Railway, Bhilai,  
District-Durg (CG)

- APPLICANT

(By Advocate - Shri M.K. Verma)

**Versus**

1. Union of India, Through the Chairman,  
Railway Board, New Delhi.
2. General Manager, South Eastern Railway,  
11, Garden Reach Road, Calcutta-3.
3. Divisional Railway Manager, South Eastern  
Railway, Bilaspur.
4. Divisional Electrical Engineer (TRS),  
South Eastern Railway, Marshalling Yard,  
Bhilai, Dist-Durg (Chhatisgarh).

- RESPONDENTS

(By Advocate - Shri M.N. Banerji)

**ORDER (Oral)**

**Justice V.S. Aggarwal -**

The present petition has been filed by Nagina Pandey against the order imposing a penalty of reduction of pay of the applicant from Rs. 5375/- to Rs. 5250/- per month for a period of three months without cumulative effect.


2. It appears from the pleading of the parties that an engine of the Railways had derailed. There was a joint report of Senior Supervisors that the derailment was because of sharp burrs on the wheel flange. According to the respondents, it was the duty of

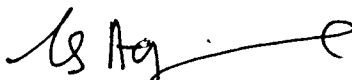


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the applicant to ensure that such a major defect was brought to the notice of the Section Foreman personally.

3. During the course of submission our attention was drawn towards the reply submitted to the Assistant Electrical Engineer by the applicant on 25.3.2000 pointing out certain facts. The learned counsel also referred to Annexure-A-6 in which he had appealed to the Senior Divisional Electrical Engineer that he has brought the facts to the notice of the appellate authority as in his report dated 3.3.1998. It appears that the appellate authority has not considered the same. Once the fact is a matter of record, it would be appropriate in the fitness of things that the appellate authority should consider the facts so alleged from the record and pass appropriate orders. Resultantly without dwelling into other contentions or the merits of the case, we quash the order passed by the appellate authority, Senior Central Divisional Electrical Engineer, South Eastern Railway with a direction to consider all the relevant facts and pass an appropriate order preferably within three months from today. The O.A. is disposed of.

  
(Anand Kumar Bhatt)  
Administrative Member

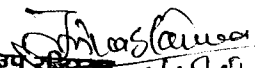
  
(V.S. Aggarwal)  
Chairman

rkv.

प्राप्तकन सं ओ/न्या.....जवतपुर, दि.....  
परिलिपि अयोधित:-

- (1) रचित, उक्त जवतपुर, तान एस्टोविएशन, जवतपुर
- (2) अस्तित्व, जवतपुर/कु.....के काउंसल
- (3) प्रकृति ओ/न्या/कु.....के काउंसल
- (4) संयोजन, जवतपुर, जवतपुर व्यापकीत सूचना एवं आवश्यक कार्यवाही हेतु

*m K Verma 10/11/03*  
*m N Banerjee 10/11/03*

  
जय जवतपुर 6/11/03

*Forwarded on 7/10/03*