

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 331 of 2000

Jabalpur, this the 11th day of March, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Brij Raj Singh, aged about 43 years,
S/o. Shri Vishwanath Singh, JE-I (TRD),
resident of Railway Quarter No. RB IV/97,
Central Railway Colony, Harda (MP). ... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

Union of India, Through,

1. The General Manager,
Central Railway, Mumbai-CST,
(Maharashtra).
2. The Divisional Railway Manager,
Central Railway, Habibganj,
Bhopal (MP).
3. The Senior Divisional Electrical
Engineer (TRD), Central Railway,
DRM's Office, Habibganj,
Bhopal (M.P.).

... Respondents

(By Advocate - Shri S.P. Sinha)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the following main relief :

"(a) Quash the impugned punishment order Annexure A-2 & A-3 & A-4 passed by the Disciplinary & Appellate authorities & allow all consequential benefits flowing from the same.

2. The brief facts of the case are that the applicant was working as JE Grade-II in the Railways under the respondent No. 3. While he was working as such a charge sheet dated 07/15.03.1996 was issued against him and the following

charge was levelled against him :

"अनुचेद -।"

श्री बी.आर.सिंह, जेझ-11, टी आर डी, हरदा को जेझ-1, टीआरडी, हरदा ने दिनांक 17/02/1996 को 10.30 बजे मैटेज बुक के पृष्ठ 7 पर लिखा आदेश दिये कि हरदा नवीन ट्रेन पलासनेर डाउन रोड पर स्क वैगन गिर गई है अतः ब्रेक डाउन साइट पर पहुचे। श्री बी.आर.सिंह हरदा नवीन ट्रेन पलासनेर खंड के ओस्यर्ड के इन्चार्ज सुपरवाइजर होते हुये भी ब्रेक डाउन साइट पर नहीं गये स्वं ब्रेकडाउन अटेंड नहीं किया जो कि सक्सीडेंट मैन्युअल के चेष्टर-। के पैरा क्र. ।.17 स्वं जी संड सत.आर.के स्ल क्र. 2-11 (सी) के तहत कदाचार है।"

An enquiry was conducted against the applicant. The enquiry officer has concluded the enquiry holding the charge proved. The copy of the findings of the enquiry officer was sent to the applicant for submission of his representation, by the disciplinary authority on 16th February, 1998. The applicant made a representation dated 5th March, 1998. The disciplinary authority after taking into account the finding of the enquiry officer, the representation of the applicant and other relevant facts of the case imposed the penalty of reduction in rank by reducing his pay in the scale of pay of Rs. 5500-9000/- at the stage of Rs. 7600/- permanently. He has filed the appeal against the order of the disciplinary authority and the appellate authority vide its order dated 17.07.1998 (Annexure A-3) had rejected the appeal of the applicant. The applicant has preferred a revision on 5.9.1998 under Rule 25(1) of the Railway Servants (Discipline & Appeal) Rules, 1968. The reviewing authority vide its order dated 26th April, 1999 has modified the penalty imposed by the disciplinary authority.

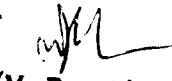
authority to reduction to lower post/grade as JE-I in the Grade of Rs. 5500-9000 (RSRP) fixing the pay at Rs. 7600/- for the period of 5 years with cumulative effect.

3. Heard the learned counsel for the parties and perused the records. We/also given careful consideration to the rival contentions made on behalf of the parties.

4. We find that while the applicant was working as JE Grade-II was issued a charge sheet. Enquiry has been held against the applicant and the charges have been proved. The finding of the enquiry officer was sent to the applicant. The applicant has been given opportunity of hearing and principles of natural justice has not been violated. It is a settled legal position by the Hon'ble Supreme Court in the case of Union of India and another Vs. B.C. Chaturvedi, (1995) 6 SCC 749 that the Court/Tribunal cannot reappreciate the evidence and substitute its own findings and also cannot go into the quantum of punishment unless it shocks the conscious of the Court/Tribunal.

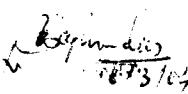
5. For the reasons recorded above we do not find any ground to interfere with the orders passed by the disciplinary authority, appellate authority and the revisional authority. The Original Application is, therefore, bereft of any merit and is accordingly, dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

S. Paul
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S. Paul
S P Swhar


S. Paul
16/3/04