

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/117/2018

Date of order : 9.2.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

AMIT JYOTI MANDAL

S/o Late Amalendu Mandal,
Loco Pilot/Goods/NJP under
Senior Section Engineer/NJP
(now undergoing punishment of
Compulsory retirement)
R/o Hemanta Mukherjee Sarani,
Deshbandhu Para,
PO & PS – Siliguri,
Dist. – Darjeeling,
Pin – 734004

...APPLICANT

VERSUS

1. Union of India, through
The General Manager,
N.F.Railway,
Maligaon,
Guwahati,
Assam – 780011
2. The Divisional Railway Manager,
North East Frontier Railway,
Katihar Division,
Katihar, Bihar,
Pin – 854105.
3. The Sr. Divisional Mechanical Engineer/In-charge
North East Frontier Railway,
Katihar Division,
Katihar, Bihar,
Pin – 854105.

... RESPONDENTS

For the applicant : Mr.P.C.Das, counsel
Mr.B.Chatterjee, counsel

For the respondents: None

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.P.C.Das, Id. Counsel assisted by Mr.B.Chatterjee, Id. Counsel appears for the applicant. None appeared for the respondents. Affidavit of service filed be kept on record.

2. By making this OA under Section 19 of the Administrative Tribunals Act, 1985 the applicant has sought for the following reliefs :

- a) An order do issue quashing/setting aside the impugned fact finding enquiry report dated 29.6.2016 and 30.6.2016 submitted by three members of the fact finding enquiry committee being Annexure A/1 & A/3;
- b) An order do issue quashing and/or setting aside the impugned charge sheet being No.M/DA/LOCO/NJP/AGM dated 24.3.2017 being Annexure A/8 issued by the Senior Divisional Mechanical Engineer/In-Charge/Katihar, N.F.Railway;
- c) An order do issue quashing and/or setting aside the impugned enquiry report dated 6.10.2017 being Annexure A/12 issued by the enquiry officer of the impugned charge sheet;
- d) An order do issue quashing and/or setting aside the impugned punishment order dated 15.12.2017 being Annexure A/14 issued by the Sr. Divisional Mechanical Engineer/In-charge/Katihar, N.F. Railway;
- e) An order ~~directing~~ the official respondents to produce the file/noting in connection with the impugned charge sheet i.e. the fact finding enquiry report the dissent note submitted by two members of the fact finding enquiry committee, the report submitted by the Chief Operating Manager, Chief Safety Officer, Assistant General Manager, General Manager and the DRM/Katihar on the same self subject issue along with all other relevant documents with an inspection to the learned counsel for the applicant;
- f) Any other or further or orders or directions as to our Lordships may deem fit or proper.

4. The brief fact of the case as narrated by Id. Counsel for the applicant is that while working as Loco Pilot/Goods at JNP under Senior Section Engineer/Loco/Katihar, the applicant was alleged to be involved in an incident of signal passing at danger on 19.6.2016. Accordingly under the instructions of the Divisional Railway Manager, Katihar on 20.6.2016 a fact finding enquiry committee consisting of five members was nominated to submit its report. On 29.6.2016 the fact finding enquiry committee submitted the purported enquiry report assented by three members and dissented by two members. On 4.3.2017 the General Manager approved the purported report and on 24.3.2017 the disciplinary authority issued the impugned charge sheet upon the applicant. The applicant preferred comprehensive representation on 5.4.2017, 28.4.2017, 12.5.2017, 8.6.2017 and on 14.6.2017. On 6.10.2017 an impugned enquiry report was submitted by the enquiry officer before the disciplinary authority and an arbitrary and disproportionate punishment order was issued on



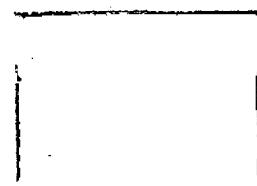
15.12.2017. Against such punishment order the applicant preferred an appeal on 1.1.2018 which is still pending before the respondent authorities.

Ld. Counsel for the applicant also submitted that in the fact finding enquiry committee report dated 29.6.2016 it was categorically stated that the applicant was in no way responsible for the alleged incident of signal passing at danger and the incident occurred due to interlocking signal failure. The report also held that the alleged incident did not incur any damage and no casualties occurred and no relief arrangement was required.

4. It is submitted by the Ld. Counsel for the applicant that the applicant will be satisfied if a direction is given upon the respondent authorities to consider and dispose of the appeal dated 1.1.2018 within a time frame. Ld. Counsel for the respondents has no objection if such prayer is allowed.

5. By accepting the prayer made by the Ld. Counsel for the applicant, without going into merits of the case, I hereby dispose of the OA by directing the respondent authorities to consider and dispose of the appeal dated 1.1.2018 within a period of three months from the date of receipt of the copy thereafter by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicant forthwith. Till such time the punishment order dated 15.12.2017 (Annexure A/14 to the OA) shall be kept in abeyance.

6. The OA is accordingly disposed of. No order as to costs.



(MANJULA DAS)

JUDICIAL MEMBER

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