

(2008) 11 DEL CK 0192

Delhi High Court

Case No: Writ Petition (Civil) No. 2215 of 2007

Union of India (UOI) and The
Divisional Railway Manager,
Northern Railway

APPELLANT

Vs

Shri Rishipal Singh

RESPONDENT

Date of Decision: Nov. 6, 2008

Hon'ble Judges: Suresh Kait, J; Madan B. Lokur, J

Bench: Division Bench

Advocate: Sanjay Kumar Pathak, for the Appellant; Meenu Mainee, for the Respondent

Final Decision: Dismissed

Judgement

Madan B. Lokur, J.

The Petitioner is aggrieved by a judgment and order dated 13th October, 2006 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in OA No. 2900 of 2005.

2. The Respondent was working as a West Cabin Signaller with the Railways. It appears that there was a collision involving a goods train. The Station Master, the Shunting Master as well as the Respondent were departmentally proceeded against for the mishap.

3. In so far as the Respondent is concerned, the view taken by the departmental enquiry officer was that on an interpretation of Rule 6.4.2.2 of the Station Regulations, the Respondent was obliged to ensure that the nominated line is cleared not only upto Point No. 33 (as contended by the Respondent) but beyond that as well. Since he had failed to satisfactorily perform his duties, the enquiry officer found the Respondent guilty of the charges made against him. The disciplinary authority accepted the view of the enquiry officer and imposed a penalty of compulsory retirement from service. The appellate authority upheld the view of the disciplinary authority but in revision, the punishment awarded to the

Respondent was that of reduction in pay.

4. The Respondent challenged the view taken by the departmental authorities before the Tribunal which accepted his contention and set aside the punishment awarded to him.

5. At this stage, it would be relevant to note Station Regulation No. 6.4.2.2. The relevant portion of this reads as follows:

On receipt of line clear enquiry or at such earlier time as may be found necessary and on receipt of line Admission Book duly signed by Shunting jamadars on duty and Outdoor Station Master (if one is on duty) the Station Master on duty shall advise under private number to the Cabin Signalmen on duty at West and West Outer cabins:

- the number and description of the train.
- the line number on which it is intended to be received.
- whether or not any shunting is to be performed on the train, and
- to stop shunting on, Across or fouling the nominated line or on points leading to that line.

....

The West Cabin Signalman after ensuring that the nominated line is clear upto Point No. 33 shall release slot for UP Goods Home Signal.

....

6. A perusal of the above clearly indicates that the Respondent, the West Cabin Signalman, is obliged to ensure that the nominated line is clear upto Point No. 33. There is no requirement for his ensuring that the nominated line is clear beyond Point No. 33 as held by the enquiry officer and accepted by the disciplinary authority. On this obvious ground, the Tribunal decided in favour of the Respondent.

7. Otherwise also, the Respondent relied on Annexure A-7 before the Tribunal, which is also annexed to the writ petition as Annexure P-2. This indicates that the West Outer Cabin from which the train was coming and the reception signal which was to be lowered is marked as "X" and West Cabin which was the trailing side manned by the Respondent is marked as "Y". On this basis, it was submitted that it was the Shunting Master who had to allot a clear line for passage of the train. The case of the Respondent was that the Shunting Master committed a blunder in allotting line number 9 for reception of the train which was already blocked. It was alleged that the Station Master also committed a blunder by giving orders to receive the train on line No. 10 even before the receipt of "Line Admission Book", although line No. 10 was also blocked.

8. So far as the Respondent is concerned, he had to ensure that the line was clear and free from obstruction at "Y" point as shown in the sketch (Annexure P-2). Otherwise also, as per Rule 6.4.2.2, the Respondent was required to ensure the clearance of the line for adequate distance from the point where the train had to stop, that is upto point No. 33. According to the Respondent, he had released the slot on line No. 10 under the instructions of the Station Master and had ensured that the end of the yard on his side was absolutely clear and free from obstruction.

9. We are of the view that the Tribunal did not commit any error in interpreting Station Regulation No. 6.4.2.2. Its language is absolutely clear and the Respondent could not be expected to over step his jurisdiction which extends only upto Point No. 33. There is no dispute that the collision took place beyond Point No. 33 and not within the jurisdiction of the Respondent. We have also observed the trains collided much before from the point his jurisdiction starts. The Tribunal was, therefore, right in not accepting the view taken by the departmental authorities.

10. There is no merit in this writ petition. It is, accordingly, dismissed. No costs.