

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2850 of 2015

=====

Ramapati Rai, Son of Sri Prabhu Rai, Sr Assistant Loco Pilot at Diesel Lobby,
Narkatiaganj, Presently Helper Khalasi, Narkatiaganj, R/o Village Karbadha, P.S.
and District Samastipur.

.... Petitioner

Versus

1. The Union of India through General Manager E.C. Railway, Hajipur.
2. The Chief Mechanical Engineer, E.C. Railway, Hajipur.
3. The Divisional Railway Manager, Samastipur Division, E.C. Railway
Samastipur at P.O. and District Samastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate

For the Respondents : Mrs. Binita Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-05-2016

The order dated 22nd October, 2014 passed by the Central
Administrative Tribunal, Patna Bench, Patna (for short, 'the Tribunal')
is subject matter of challenge in the present writ application.

The petitioner has filed an Original Application
challenging the order of punishment as affirmed by the revisional
authority reducing him to the post of Helper (Mechanical) with
Divisional bottom seniority in the same scale from the post of Assistant
Loco Pilot, Diesel Lobby.

On 29th January, 2009, the engine of the train Darbhanga-
Amritsar Jan-Nayak Express (5211 UP) collided with rear portion of a



Goods Train standing on Line No.2 at Bodarwar Station on which the petitioner was working as Assistant Loco Pilot. In departmental proceedings initiated against him for negligence in duty, the disciplinary authority imposed punishment of removal of service, but the appellate authority modified the order of removal of service to compulsory retirement. The revisional authority further modified the order of reversion to the post of Helper (Mechanical) with Divisional bottom seniority in the same scale.

The Tribunal found that the accident has taken place due to several reasons including signal failure, wrong line clearance, but the responsibility of Loco Pilot and Assistant Loco Pilot is not reduced as they could have stopped the train when they found the Goods Train stranded in the same track when it became visible to them. Still further, it was found that since the place of accident was a station area, the Engine Drivers were not supposed to drive in the same speed as it is expected in a clear route. The Tribunal has found that the Railway authority has shown great degree of sympathy in restoring the service of the petitioner.

The petitioner could not point out any procedural illegality or irregularity in the decision making process. It could not be pointed out that any principles of natural justice have been violated while conducting the departmental proceedings. Since the scope of

judicial review against the order of punishment is limited, we do not find any error in the order passed by the Tribunal which may warrant interference in writ jurisdiction of this Court.

The writ application is, thus, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	07.05.2016
Transmission Date	