

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7175 of 2014

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Bipin Bihari Prasad Singh, son of Sri Sheetal Prasad Singh, Senior Assistant LOCO Pilot Diesel Lobby, Samastipur, at present on Compulsory Retirement

.... Petitioner

Versus

1. The Union of India, through General Manager, E.R. Railway, Hajipur
2. The Divisional Railway Manager, Samastipur Division, E.C. Railway, Samastipur, At P.O. and District - Samastipur
3. The Additional Divisional Railway Manager, Samastipur Division, E.C. Railway At P.O. and District - Samastipur
4. The Divisional Mechanical Engineer (Power), Samastipur Division, E.C. Railway, Samastipur
5. The Divisional Railway Manager (M), Samastipur Division, E.C. Railway, Samastipur at P.O. and District - Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abdul Hakim, Advocate

For the Respondent/s : Mr. Mahesh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-02-2016

Heard learned counsel for the petitioner and the respondents.

2. Challenge in the present writ application is to an order dated 6th September, 2013 passed in O.A. No. 49 of 2011 by the Central Administrative Tribunal, Patna Bench, Patna (in short the “Tribunal”), whereby the original application filed by the petitioner under Section 19 of the Administrative Tribunal Act, 1985, was dismissed.

3. The original application was directed against an order of compulsory retirement passed after holding the departmental enquiry. The allegation against the petitioner is that there was a collision with the passenger train with a light shunting engine at Sugauli Railway Station on 14.02.2009. At that relevant time, the petitioner was an Assistant Loco Pilot of the passenger train. He was served with a major penalty charge-sheet on 17.08.2009 alleging that he has failed to perform his duty assigned as Assistant Driver and moved the train

leading to collision with light engine. Thus, there was a gross negligence in duty.

4. The departmental enquiry was conducted and, after complying with the principles of natural justice, the disciplinary authority passed an order of dismissal from the services. However, in appeal, the appellate authority reduced the punishment from that of dismissal to compulsory retirement.

5. Being aggrieved by the aforesaid action of the respondent authorities, the petitioner filed an original application before the Tribunal which was dismissed.

6. In the present writ petition, we find that there is no error in the decision making process of the disciplinary authority. The order of punishment has been reduced which will not deprive the petitioner for his retiral benefits. There is no allegation of mala fide or false implication. It is well settled that the scope of judicial review is very limited. The court will only examine the decision making process and not the decision taken thereof.

7. Having considered the matter, we find that the Tribunal has considered the allegation against the applicant of his negligence to disregard the signal, taking passenger train and, thus, caused accident with light shunting engine. The defence of the petitioner has been found to be without any merit. We do not find any error in the decision making process as considered by disciplinary authority and re-examined in appeal, which warrants any interference in the present application.

8. The writ application is, thus, dismissed.

(Hemant Gupta, J.)

(Navaniti Prasad Singh, J.)

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