

**ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

M.A.No.52/2020 in & O.A.No. 310/00155/2020

Dated Tuesday, the 28th day of January, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

R.Sriram.

Retd. Senior Technician,

No. 18, V Street,

MacMillan Colony,

Nanganallur, Chennai 600 061.

....Applicant

(By Advocate M/S Ratio Legis)

Vs

1. Union of India rep. By

The General Manager,

Southern Railway,

Park Town, Chennai – 3

2. The Deputy Chief Mechanical Engineer,

Carriage & Wagon

Perambur, Chennai – 23.

3. The Chief Works Manager,

Carriage & Wagon

Perambur, Chennai – 23

...Respondents

(By Advocate Mr. P. Srinivasan)

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. MA 52/2020 filed by the applicant for condonation of delay of 111 days in filing the OA is allowed. Number the OA.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To call for the records related to the impugned order No. CPB/227/PII/5/2018/01/VIG/CB 3930/PA dated 31.01.2018 by the 2nd respondent and to quash the same and further to direct the respondents to extend all the service benefits that are due on superannuated retirement with all the consequential benefits, and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

3. The applicant while working as a Senior Technician in the office of the Chief Workshop Manager in the Carriage & Wagon Works at Perambur in Southern Railway, was alleged to be missing in the workspot and on the strength of the explanation submitted by the applicant which was misconstrued as acceptance and he was imposed with the penalty of compulsory retirement vide order dated 31.01.2018 contrary to the Railway Servants (Discipline & Appeal) Rules, 1968. The applicant has made an appeal dated 02.03.2018 which is still pending and hence this OA.

4. When the matter came up for admission, learned counsel for the applicant would submit that applicant will be satisfied if the appellate authority is directed to consider his appeal dated 02.03.2018 and pass orders, within a stipulated time limit.

5. Mr.P.Srinivasan, senior standing counsel for Railways, takes notice on behalf of the respondents and submits that the respondents have no objection for disposal of the appeal of the applicant on merits.

6. In view of the limited relief sought and without going into the merits of the case, the OA is disposed of in the following lines:

"The appellate authority is directed to consider the appeal of the applicant dated 02.03.2018 on the basis of the relevant rules and regulations and in accordance with law and pass a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order."

**(T.JACOB)
MEMBER (A)**

28.01.2020

M.T.

**(P.MADHAVAN)
MEMBER (J)**