

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00370/2020

Tuesday, this the 18th day of August, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Ajith Prasad P.K., aged 55 years, S/o. P.U. Narayanan,
 Ex-office Superintendent/SMR/O/SRR, (Shornur, Palakkad),
 Residing at Anugrah, Pookodu PO, Pattiam,
 Thalassery, Kannur – 670 691, (M) 9446416612. **Applicant**

(By Advocate : Mr. P.K. Madhusoodanan)

V e r s u s

1. Senior Divisional Operations Manager, Southern Railway,
 Palghat Divisional Office, Transportation Branch,
 Palakkad – 678 002.
2. The Additional Railway Manager, Southern Railway,
 Palghat Divisional Office, Palakkad – 678 002.
3. The Senior Divisional Personnel Officer, Divisional Office,
 Personnel Branch, Palghat – 678 002.
4. Union of India, through the General Manager, Southern Railway,
 Park Town, Chennai – 600 003. **Respondents**

(By Advocate : Mr. Sunil Jacob Jose)

This application having been heard on 18.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Mr. P.K. Madhusoodanan appearing for the applicant and the Advocate appearing for the respondents through video conferencing.

2. The applicant is aggrieved by the penalty advices rendered by the 1st respondent at Annexures A20 and A27. By Annexure A27 the applicant has been removed from service. The applicant has preferred statutory appeals as Annexures A21 and A29 which are pending before the appellate authority for consideration. Hence, he had filed this OA seeking the following reliefs:

“(a) Issue necessary directions to the 2nd respondent to consider and pass orders on Annexures A21 and A29 in accordance with law after affording the applicant an opportunity of being heard, at the earliest, at any rate within a time limit to be fixed by this Hon'ble Tribunal;

(b) Set aside Annexures-A20 and A27.

(c) Declare that report of enquiry at Annexure A25 is bad in law;

(d) Award costs of these proceedings;

And

(e) Grant such other and further reliefs as this Hon'ble Tribunal deems fit and proper in the interest of justice.”

3. When the matter came up for consideration, it has come out that Annexures A21 and A29 appeals preferred by the applicant are pending and not yet disposed of by the appellate authority. The applicant has not exhausted his remedies.

4. Learned counsel for the applicant submitted that the applicant will be satisfied if the appeals are disposed of within a time frame.

5. **In view of the limited relief sought by the applicant, without going into the merits of the case, the appellate authority is directed to consider and dispose of the appeals at Annexures A21 and A29 dated 18.3.2019 and 17.3.2020 respectively, by passing a speaking order within a period of three months from the date of receipt of a copy of this order.**

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

Original Application No. 180/00370/2020

APPLICANT'S ANNEXURES

Annexure A1 – True copy of the certificate of disability No. 9367/2017 issued by the Members of the District Disability Assessment Board, Kannur.

Annexure A2 – True copy of the medical certificate dated 20.10.2016 issued by the consultant orthopedic expert who was treating the applicant during the relevant period.

Annexure A3 – True copy of the letter dated 16.10.2017 issued by the 1st respondent.

Annexure A4 – True copy of the letter dated 15.12.2017 addressed to the CMS/PGT issued by 1st respondent.

Annexure A5 – True copy of the No. J/MD.84/AP dated 17.7.2018 of the Addl. CMS/Admn/PGT addressed to the Sr. DPO/PGT with copy to the first respondent and SS/MHE, under whom the applicant was working.

Annexure A6 – True copy of the letter dated 19.7.2018 by the Station Master, Mahe directing the applicant to meet the first respondent on 20.7.2018 at his chamber.

Annexure A7 – True copy of the letter dated 20.7.2018, of the first respondent by a traffic inspector.

Annexure A8 – True copy of the memorandum dated 28.8.2018 issued by the 3rd respondent.

Annexure A9 – True copy of the letter No. J/P.11/CON/PB/Spl. Supy Posts/Vol.IV dated 6.9.2018.

Annexure A10 – True copy of the letter dated 30.11.2018 of the 3rd respondent.

Annexure A11 – True copy of the representation dated 20.7.2018 submitted by the applicant to the 1st respondent.

Annexure A12 – True copy of the letter dated 21.7.2018 sent by the applicant to the respondents.

Annexure A13 – True copy of the representation dated 21.9.2018 submitted by the applicant to the 3rd respondent with copy to the 2nd respondent.

Annexure A14 – True copy of the SF-5 memorandum of charge dated 8.10.2018 issued by the first respondent.

Annexure A15 – True copy of the written statement of defence dated 11.11.2018 submitted by the applicant.

Annexure A16 – True copy of the letter dated 16.1.2019 issued by the 3rd respondent.

Annexure A17 – True copy of the memorandum dated 15.1.2019 under Rule 11 of the Railway Servants (Discipline & Appeal) Rules, 1968.

Annexure A18 – True copy of the representation dated 22.1.2019 before the 1st respondent.

Annexure A19 – True copy of the explanation dated 31.1.2019 through proper channel, submitted by the applicant to the 1st respondent.

Annexure A20 – True copy of the penalty advice No. J/T-227/19/PGT/PKA/11 dated 1.2.2019 by the 1st respondent.

Annexure A21 – True copy of the statutory appeal dated 18.3.2019 submitted before the 2nd respondent through proper channel.

Annexure A22 – True copy of the common final order dated 12.6.2019 in OA No. 180/81/2018 and OA No. 180/968/2018.

Annexure A23 – True copy of the enquiry proceedings taken pursuant to Annexure A14.

Annexure A24 – True copy of the defence statement dated 16.3.2019 filed by the applicant.

Annexure A25 – True copy of the report of the DAR enquiry by the first respondent along with his covering letter dated 15.5.2019.

Annexure A26 – True copy of the representation dated 24.5.2019 submitted before the disciplinary authority against the enquiry report.

Annexure A27 – True copy of the penalty advice No. J/T.227/18/PGT/PKAP/5 dated 15.7.2019 by the 1st respondent.

Annexure A28 – True copy of the common judgment dated 27.2.2020 in OP (CAT) No. 11/2020, 19/2020 and 219/2019 passed by Hon'ble High Court of Kerala.

Annexure A29 – True copy of the appeal dated 17.3.2020 filed by the applicant before the 2nd respondent.

Annexure A30 – True copy of the proof of delivery card dated 19.3.2020.

RESPONDENTS' ANNEXURES

Nil

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