

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/01183/2014

HYDERABAD, this the 14th day of October, 2020



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

V.G.Anjaneya Prasad S/o V.G.Ramalinga Murthy,
Aged about 51 years, working as Senior Section Engineer,
Permanent Way, Special Works,
O/o Assistant Divisional Engineer, Tandur,
Secunderabad Division, South Central Railway,
R/o Plot No.32, Yashodha Nagar, Viswanth Goud Buildings,
Tandur Post, Ranga Reddy District.

...Applicant

(By Advocate : Dr.A.Raghu Kumar)

Vs.

1. Union of India, Rep by
The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad ̄ 500 071.
2. The Senior Deputy General Manager & Chief Vigilance Officer,
South Central Railway,
Rail Nilayam, Secunderabad .
3. The Principal Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad .
4. The Principal Chief Engineer,
South Central Railway, 5th Floor,
Rail Nilayam, Secunderabad .

5. The Sr. Divisional Engineer (Co-ordination) & Disciplinary Authority, Sanchalan Bhavan, South Central Railway, Secunderabad .
6. The Sr. Divisional Engineer (Co-ordination), South Central Railway, Guntakal Division, Guntakal.
7. The Sr. Divisional Personnel Officer, Sanchalan Bhavan, South Central Railway, Secunderabad .
8. The Sr. Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal.
9. The Divisional Railway Manager, Sanchalan Bhavan, South Central Railway, Secunderabad .
10. The Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal.

....Respondents

(By Advocate : Mr.V.V.N.Narasimham, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The O.A. has been filed against the impugned order of the Disciplinary Authority, placing the applicant under suspension, in connection with the involvement of decoy check trap by vigilance organization.



3. The brief facts of the case are that the applicant has rendered 30 years of service as Senior Section Engineer in the respondent's organization. While discharging his duties in the said post, the applicant marked the regular dak received from the Sub Divisional Office in regard to the promotion order dated 5.6.2012 of Sri B.S. Meena, Trackman received from DRM (P)/ Guntakal, to the concerned dealing assistant. Applicant states that he made arrangements for the relief of the employee referred to. However, Mr. Meena approached the applicant on 10.6.2012 at 6.00 a.m., requesting to relieve him on promotion. As the applicant was busy with his official work, he had instructed Mr. B.S. Meena to approach the concerned Clerk for submitting the relevant documents. Though arrangements have been made for relief of Mr. B.S. Meena, he had lodged a complaint against the applicant to the Vigilance Wing of the respondent's organization, stating that he is not being relieved on promotion. Based on the complaint, the Vigilance Team organized a trap on 12.6.2012 at the residence of the applicant. Based on the trap proceedings, the applicant was suspended on 13.6.2012. He was kept under suspension for a period of 1 year and the same was revoked on 12.6.2013 by the Disciplinary Authority. The suspension period was not reviewed in regard to the way it should be treated. The Disciplinary Authority has served the Charge Memo dated 4.12.2012 when the applicant was under suspension. The applicant represented for supply of certain documents as listed in the charge memo.



The documents sought were not supplied and the inquiry got inordinately delayed. The applicant has also moved a bias petition against the Inquiry Officer, for denying reasonable opportunity to defend his case. In the meanwhile, the Disciplinary Authority revoked the suspension, without issuing any order in regard to the treatment of the suspension period. The competent authority has also not issued any specific instructions to the applicant in regard to handing over the charge of the post he held. Therefore, being aggrieved about the respondents not issuing any instructions in respect of the suspension period, the O.A. has been filed.

4. The contentions of the applicant are that his cause is supported by the Railway Board letter dated 6.2.2009. The charge sheet issued does not mention any specific rules which were violated by the applicant. Therefore, at the very instance, the Disciplinary Authority has to rectify the charge memo. The handing over of charge has to be done as per Para 606 of Indian Railway Manual (Annex.II). The applicant was not allowed to hand over charge before he was kept under suspension as per the rule cited. The applicant has also cited certain letters of the Railway Board at para 5.3 of the O.A. to support his contentions effectively.

5. The respondents in their reply statement state that the applicant was issued a minor penalty charge sheet on 4.12.2012 for not informing the



respondents about purchase of a house site and for not submitting the required documents in regard to purchase of a motor vehicle. The penalty of withholding of one increment for a period of one year was imposed on 19.8.2013. Appeal filed by the applicant was rejected. Revision Petition preferred is pending. The applicant was suspended in accordance with rules and was paid subsistence allowance during the suspension period. The extension of suspension period was done as per rules. The suspension was revoked on 11.6.2013 by the Disciplinary Authority, exercising the power vested in him. The charge sheet issued to the applicant has ended in a penalty and, therefore, he cannot claim that he is free from the allegation of misconduct.

6. Heard Dr. A. Raghu Kumar, learned counsel for the applicant and Sri Bheem Singh representing Sri V.V.N. Narasimham, learned Standing Counsel for the respondents and perused the pleadings on record.

7. It is not under dispute that there was a raid by the Vigilance Team at the residence of the applicant based on a complaint lodged by Sri B.S. Meena. Based on the trap proceedings involving a cash transaction of Rs.4500/- alleged to have been given to the wife of the applicant, the applicant was kept under suspension for a period of one year. Thereafter, the Disciplinary Authority revoked the suspension. However, while doing so, he has not



issued any orders as to how to treat the suspension period. Aggrieved over the same, the applicant filed the present O.A. As per relevant rules, the competent authority has to clearly state about the manner in which the suspension period has to be treated. While answering this question, the respondents in the reply statement, referred to a minor penalty charge memo issued to the applicant for not informing the respondents about purchase of a plot and also for not furnishing certain documents in regard to purchase of motor vehicle. A minor penalty of stoppage of one increment was imposed on 19.8.2013. The respondents claim that since the charge resulted in a penalty, therefore, it cannot be said that the applicant is free of any misconduct. The learned counsel for the respondents, when questioned as to what happened in regard to the treatment of the suspension period consequent to the vigilance raid, he has no answer. The present O.A. has been filed challenging the action of the respondents in keeping him under suspension and not issuing orders about how to treat the suspension period subsequent to the vigilance raid. This question remains unanswered in the reply statement. The O.A. pertains to the year 2014. We are surprised that even after 6 years, respondents are not able to properly respond to the contentions made in the O.A. Nevertheless, in order to uphold justice, we remit the matter back to the Disciplinary Authority to issue appropriate orders, based on relevant rules and law in regard to treatment of the period of suspension from 13.6.2012 to

11.6.2013. The competent authority who has to take a decision, shall take such a decision within a period of 3 months from the date of receipt of this order.

With the above direction, the O.A. is disposed of. No order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/pv/