

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00829/2020

HYDERABAD, this the 16th day of December, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



Yerra Srinivasa Naidu S/o late Yerra Chinnam Naidu,
Aged about 47 Yrs, Occ : Senior Assistant Loco Pilot
(Under Compulsory Retirement), Waltair Division,
East Coast Railways, Andhra Pradesh State, R/o 37-11-50,
PRR Gardens, Visakhapatnam (urban) Industrial Estate,
Visakhapatnam (Urban), Visakhapatnam,
Andhra Pradesh-530007.

...Applicant

(By Advocate : Mr.P. Laxmana Rao)

Vs.

Union of India

- 1.The General Manager,
East Coast Railways, Waltair ,
Visakhapatnam,Andhra Pradesh.
2. The Divisional Railway Manager,
East Coast Railways, Waltair ,
Visakhapatnam,Andhra Pradesh.
- 3.The Additional Divisional Railway Manager (Optns),
(Appellate Authority) East Coast Railways,
Visakhapatnam,Andhra Pradesh.
4. The Divisional Personnel Officer,
Office of the Divisional Manager (P),
Personal Branch Waltair Visakhapatnam,
Andhra Pradesh.
5. Senior Divisional Electrical Engineer (OP),
East Coast Railway / Waltair,
Visakhapatnam,Andhra Pradesh.

....Respondents

(By Advocate: Mr. S.M.Patnaik, SC for Railways)

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

Through Video Conferencing:



2. The OA is filed challenging the penalty of compulsory retirement imposed on the applicant.

3. Brief facts of the case are that the applicant while working as Sr. Asst. Loco Pilot, due to the ill health of his father, was in depression and could not attend duty from 11.8.2013 to 22.07.2020. On attending duty, he was given a copy of the major penalty charge sheet for unauthorised absence for the period 11.8.2013 to 13.12.2013. Respondents conducted exparte inquiry and charges were held to be proved. Penalty of compulsory retirement was imposed on 20.05.2014 without granting compassionate allowance. Aggrieved, he OA has been filed.

4. The contentions of the applicant are that the Principles of Natural Justice were not followed. An exparte inquiry was held and penalty imposed without giving reasonable opportunity to defend himself. The penalty imposed is contrary to law. Applicant cited Hon'ble Supreme Court judgments in support of his case. Appeal preferred on 22.7.2020 has not been disposed. A big family depends on the applicant.

5. Heard both the council and perused the pleadings on record.

6. Applicant is aggrieved about the action of the respondents in imposing the penalty of compulsory retirement on 20.5.2014 for unauthorised absence by conducting an exparte inquiry. Applicant states

that the appeal preferred has not been disposed. In view of this submission, respondents are directed to dispose of the appeal preferred on 22.7.2020, within 8 weeks of receipt of this order, in accordance with rules and law, by issuing a speaking and reasoned order.



7. With the above direction, the OA is disposed of, at the admission stage, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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