

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00343/2021

HYDERABAD, this the 29th day of April, 2021



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

M. Kamalakar S/o Sammaiah, aged about 37 years,
Occupation Track Maintainer IV, (Removed) Group D,
In the office of the Senior Section Engineer, P. Way,
South Central Railway, Secunderabad Division,
Manchiryal, R/o H.No.2-14, Nandigama Village,
Nellabelli Mandal, Warrangal Rural District 506 349.

...Applicant

(By Advocate : Mr. K. Siva Reddy)

Vs.

Union of India rep. by

- 1.The General Manager, South Central,
Rail Nilayam, Secunderabad.
- 2.The Additional Divisional Manager, I
(Revising Authority) South Central Railway,
Secunderabad Division, Secunderabad.
- 3.The Sr. Divisional Engineer/ N, (Appellate Authority),
South Central Railway, Secunderabad Division,
Secunderabad.
- 4.The Assistant Divisional Engineer (Disciplinary Authority),
South Central Railway, Secunderabad Division,
Ramagundam..

....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:

The applicant is challenging the inaction of the Respondent No.1 in passing orders on the representation dated 04.01.2021 submitted by the applicant with regard to reconsideration of the proceedings dated 11.12.2020.

2. Brief facts of the case are that the applicant was appointed as Track Maintainer in May, 2013. Respondent No.4 on 31.12.2014 has issued a charge memo dated 31.12.2014 has issued a charge memo dated 31.12.2014 for unauthorized absence for a period of 186 days commencing from June / 2014 to Dec / 2014 in different spells. Respondent No.4 removed the applicant from service on 08.02.2016 with immediate effect and the same was confirmed by 3rd Respondent ie the Appellate Authority on 29.03.2016. Applicant submitted his resignation before the penalty order was passed and the resignation submitted by the applicant was not considered by the Respondents. The applicant submitted another representation dated 13.11.2018 requesting the Respondent No.2 to consider representation of the applicant and to reinstate him into service. However the same was not considered and therefore the OA.

3. The contention of the applicant is that he made a representation on 04.01.2021 enclosing the orders issued in favour of another employee Sri G.

Swamy and the said representation is pending. The employee Sri G.Swamy was proceeded on similar grounds for unauthorized absence for 216 days and he was imposed with a penalty of withholding of increment for a period three years with cumulative effect.



4. Heard both the counsel, perused the pleadings on record.

5. The applicant was proceeded with Departmental Proceedings on the ground of unauthorized absence and removed from service and the same was confirmed by the Appellate Authority. The applicant submitted representation dated 04.01.2021 stating that similar employee Sri G.Swamy who was on unauthorized absence for a period of 206 days was let off with a punishment of withholding of increment for a period of three years with cumulative effect vide order dated 05.04.2018. The applicant is praying for similar treatment in his representation dated 04.01.2021. The learned counsel for the applicant prayed for disposal of the applicant's representation. We consider the request of the counsel for the applicant since the Respondents have to dispose of the representation in the light of the submissions of the applicant that another employee by name Sri G.Swamy who was let off with minor penalty of withholding of increment for a period of three years with cumulative effect. Therefore we direct the Respondents to dispose of the applicant's representation dated 04.01.2021 by issuing a speaking and reasoned order within a period of eight weeks from the date of receipt of a copy of this order in accordance with Rules and law.

6. With the above direction, the OA is disposed of with no order as to costs.



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(B.V.SUDHAKAR) (ASHISH KALIA)
ADMINISTRATIVE MEMBER JUDICIAL MEMBER