

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 428 of 1996.

Wednesday this the 29th day of May 1996.

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

K.G. Appan,
Ex. Assistant Station Master,
Ghataprabha Railway Station,
Hubli Division,
South Central Railway.

residing at:

Unukkussery,
Padmavilasom Street,
Fort Trivandrum-23.

.. Applicant

(By Advocate Shri T.C.G. Swamy)

Vs.

1. Union of India represented by
the Secretary to Government of
India, Ministry of Railways,
Rail Bhavan, New Delhi.
2. The Chief Operations Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager,
South Central Railway,
Hubli Division, Hubli,
Karnataka State.
4. The Divisional Operating Manager,
South Central Railway,
Hubli Division, Hubli,
Karnataka State.
5. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.

.. Respondents.

(By Advocate Shri Thomas Mathew Nellimoottil)

The application having been heard on 29th May 1996,
the Tribunal on the same day delivered the following:

.....2/-

O R D E R

Applicant challenges A16 order, passed in pursuance of A15 order of this Tribunal. A-15 reads:

"We quash A-16 appellate order, and remit the matter to the Appellate Authority. The said authority will examine each of the grounds raised in the appeal, ...pass a speaking order within four months from today and communicate the same to applicant. If he finds that irregularities have been committed in the disciplinary enquiry he will do well to mend matters, instead of leaving the case to run another full circle. Illegalities, if any,.....cases are not rare where proceedings are prolonged, leading to heavy financial costs."

A-16 cannot claim loyalty to A-15. When the matter came up for hearing we asked the learned Standing Counsel for Railways whether his client would like to have a fresh look at the matter or would want us to decide on the merits of A-16. After consideration, he submitted that the Railways would pass an order adhering to the directions in A-15 in place of A-16.

2. We quash A-16 and direct the competent authority to pass appropriate orders dealing with each contention in the appeal on its merits within two months from today.
3. Original application is allowed to the aforesaid extent. No costs.

Wednesday this the 29th day of May 1996.

Chettur Sankaran Nair

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

Annexure A15: A true copy of the judgement in OA-225/87 dated 30.10.95 delivered by this Hon'ble Tribunal.

Annexure A16: A true copy of the appellate order bearing No.P.90/D&A/UBL/KGA/374 dated 6.2.96 issued by the second respondent.