

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 487/96

WEDNESDAY, THE 4TH DAY OF JUNE, 1997.

C O R A M:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

A. Arumugham,
S/o; late R. Angappa Muthaliar,
Travelling Ticket Inspector (Sleeper),
Erode Junction, Southern Railway,
Palghat Division
residing at 451-I
Railway Colony, Erode Junction,
Erode-638 002.

..Applicant

By Advocate Mr. V. R. Ramachandran Nair

Vs.

1. Union of India represented by the
General Manager, Southern Railway,
Madras.
2. The Chief Commercial Manager,
Southern Railway, Madras.
3. The Additional Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
4. The Senior Divisional Commercial Manager,
Southern Railway, Palghat.

..Respondents

By Advocate Mr. P.A. Mohamed

The application having been heard on 4.6.1997, the Tribunal
on the same day delivered the following:

O R D E R

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

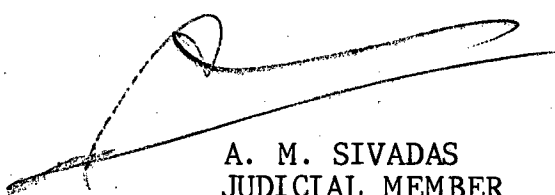
Applicant, a Travelling Ticket Inspector, was issued
penalty advice A1 dated 13.11.95 by which the penalty of
reduction of pay for one year with recurring effect was imposed.
Applicant appealed against the penalty advice by A2 appeal
dated 20.12.95. Meanwhile, while A2 appeal was still pending
disposal, third respondent considered a representation from
applicant dated 20.3.96 which was given by applicant in reply
to the notice dated 4.3.96 proposing to enhance the penalty under
Rule 25 of the Railway Servants (Discipline and Appeal) Rules,

1968 and passed the impugned order A6 which purports to be a revision order under Rule 25 of the Railway Servants (Discipline & Appeal) Rules, 1968. The impugned order clearly states that the orders are being passed by the Revisional authority and that the penalty was enhanced to reduction to the next lower post of Senior Ticket Collector for 12 months recurring. Applicant contends that according to Rule 25 (2) of the Railway Servants (Discipline & Appeal) Rules 1968 no procedure for revision shall be commenced until after the expiry period for an appeal or the disposal of the appeal where any such appeal has been preferred. Applicant therefore contends that the impugned order is without jurisdiction and prays that it may be quashed.

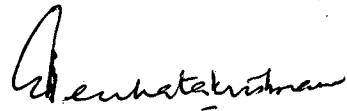
2. Respondents in the reply admit that the impugned order has been wrongly shown as an order in revision and that it was intended to be only an appellate order issued by the Appellate authority.

3. In view of the statement of the respondents it is clear that the impugned order cannot be sustained. We accordingly quash A6 and allow the application. No costs.

Dated the 4th June, 1997.



A. M. SIVADAS
JUDICIAL MEMBER



P.V. VENKĀTAKRISHNAN
ADMINISTRATIVE MEMBER

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LIST OF ANNEXURES

Annexure A-1: True copy of the penalty advice No.Con/J/V/362 dated 13.11.1995 issued by the 4th respondent to the applicant imposing a penalty of reduction in pay.

Annexure A-2: True copy of the appeal dated 20.12.1995 filed by the applicant before the 3rd respondent.

Annexure A-6: True copy of the order No.Con/J/V/362 dated 10.4.1996 issued by the 3rd respondent to the applicant revising the penalty order.

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