

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.516/2007

Tuesday this the 14 th day of August, 2007.

CORAM:

**HONB'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

K.G.Sukumaran, S/o Gopalan,
Working as Chief Commercial Clerk, Grade I,
Southern Railway, Tiruvalla,
Resident of Koovakada House,
Vakathanam P.O., Kottayam. **Applicant**

(By Advocate Shri M.P. Varkey)

Vs.

1. Union of India represented by
General Manager, Southern Railway,
Chennai -600003.
2. Divisional Manager,
Southern Railway,
Trivandrum – 695 014.
3. Senior Divisional Commercial Manager,
Southern Railway,
Trivandrum – 695 014. **Respondents**

(By Advocate Shri Thomas Mathew Nellimoottil)

The application having been heard on 14.8.07
the Tribunal on the same day delivered the following:

ORDER

HONB'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant was working as Chief Commercial Clerk, Grade II, Southern Railway, Kottayam in 2000. He was issued with a penalty advice in (Annexzure A-6) on 31.5.2007 and it was directed for recovery of an amount of Rs. 1,04,225/- from his salary in 70 installments as Rs.1500/- for 69 months and Rs.725/- for the initial month. The charge against the

applicant was relating to under charging of goods while working at Kottayam. The applicant had submitted a representation (A-3) to the 3rd respondent on 23.6.2006 against the charge memo at A-2 dated 26.4.2006. He was issued with impugned order A-6 dated 31.5.07 and by Annexure A5 dated 25.6.2007 recovery was ordered. He submitted an Appeal to the Appellate Authority (A-7) dated 17.7.07. The applicant has contended that, the respondents have issued impugned order at A-5 without due consideration of his representation.

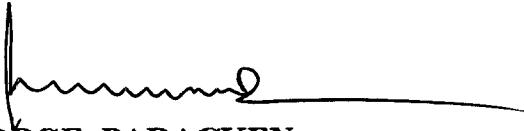
2. Heard the counsel on both sides. We find that the recovery has been awarded as a penalty under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1958 and that the applicant has submitted an A-7 appeal, which is also pending.

3. We are of the opinion that, in the circumstances, the appellate authority(R2) should be directed to dispose of the Appeal and at this stage, no interference of this Tribunal is necessary. Counsel for applicant submitted that the applicant may be permitted to submit a supplemental representation to the appeal petition A-7 and the appellate authority directed to dispose of the same with due consideration within a time frame stipulated by this Tribunal.

4. Accordingly, we permit the applicant to submit a supplemental representation to A-7 Appeal to the 2nd respondent (Appellate Authority) and direct that the 2nd respondent to consider and dispose of the appeal within a period of one month from the date of receipt of the supplemental representation.

5. O.A. is disposed of as above. No costs.

Dated the 14th August, 2007.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN