

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.580 of 1996

Wednesday this the 29th day of May, 1996.

CORAM

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

K.P.Muraleedhar,
(Retired Station Master)
Southern Railway,
Mysore Division)
residing at Kunnumpilli,
Thiruvankulam PO, Ernakulam Dist. Applicant

(By Advocate Mr. T.C.Govindaswamy)

Vs.

1. Union of India through the
General Manager, Southern Railway,
Headquarters Office, Park Town PO,
Madras.3.
2. The Chief Operating Superintendent,
Southern Railway, Headquarters Office,
Park Town PO, Madras.3.
3. The Divisional Railway Manager,
Southern Railway, Mysore Division,
Mysore.
4. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town PO, Madras.3.
5. The Divisional Personnel Officer,
Southern Railway,
Mysore Division, Mysore. Respondents

(By Advocate Mr. Thomas Mathew Nellimootil)

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

O R D E R

Applicant challenges A-12 order, by which the
punishment of compulsory retirement imposed on him was
substituted with:

"reduction to lower stage in time scale for
a period of one year (non-recurring) from
2.12.1991."

contd...2

While working as a "Rest Giver Station Master", applicant was charged with misconduct, in that he refused to attend to his normal duties after reporting sick and without waiting for relief on 11.5.1986. An enquiry was held and applicant was compulsorily retired. After several rounds of litigation in O.A.606/93 we observed:

"we quash the punishment of compulsory retirementwhile maintaining the finding of misconduct. Competent authority will be free to impose any punishment, less drastic than compulsory retirement. The long years of mental agony suffered by applicant, also must enter consideration while deciding on the quantum of punishment."

Then, the impugned order was passed. In spite of the persuasive arguments of Shri Govindaswamy, counsel for applicant, I am not persuaded to think that the impugned order suffers from any vice or that it is harsh. But, that is not the end of the matter.

2. Counsel for applicant would submit that after passing A-12 order on paper, nothing has been done and that for purposes of pension and allied matters applicant is still in the position of a compulsorily retired employee. This cannot be.

3. Respondents are directed to implement A-12 order in place of the order of compulsory retirement within thirty days from today, and effect all the consequential changes. This direction and the time limit herein, will be faithfully adhered to by respondent-Railways.

contd....3

4. Standing counsel submits that he will forward a copy of the original application and a copy of this order to respondents for compliance. I record the submission.

5. Original application is disposed of as aforesaid. No costs.

Dated the 29th May, 1996.

Chettur Sankaran Nair

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexure

Annexure A12: A true copy of the letter No.P(A)
94/Y/62 dated 22.8.95 issued by the
4th respondent.