

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 129 of 1999.

Tuesday this the 2nd day of February, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

N. Gopalan,
Ticket Collector Southern Railway,
Chengannur, residing at:
No.4/7, Mangala Nivas,
Ayani Road, Maradu P.O.,
PIN : 682 304.

.. Applicant

(By Advocate Shri T.C. Govindaswamy)

Vs.

1. Union of India, represented by the General Manager, Southern Railway, Headquarters Office, Park Town P.O., Madras - 3.
2. The Senior Divisional Commercial Manager, Southern Railway, Trivandrum Division, Trivandrum -14.
3. The Divisional Railway Manager, Southern Railway, Trivandrum Division, Trivandrum - 14.
4. The Divisional Personnel Officer, Trivandrum Division, Southern Railway, Trivandrum - 14.

.. Respondents

(By Advocate Smt. Sumathi Dandapani)

The application having been heard on 2nd February, 1999 the Tribunal on the same day delivered the following:

O R D E R

The applicant, a Ticket Collector, Southern Railway, Chengannur, is aggrieved by the order dated 13.1.1999(A-1) imposing on him a penalty of reduction to the grade of Server in the scale of Rs.2610-3540 with effect from 18.1.99, after holding a departmental disciplinary proceedings against him for certain alleged misconduct. He has filed this application for having the impugned order A-1 set aside with consequential benefits. The impugned order is assailed on various grounds including the ground that the finding is based on materials collected behind the back of the applicant after a formal enquiry was over.

However, the applicant has not filed an Appeal which is statutorily provided for against the impugned order.

2. When the application came up for hearing, Mrs. Sumathi Dandapani, Standing Counsel for the respondents entered appearance. Counsel on either side agreed that the application may now be disposed of allowing the applicant to file an Appeal against the impugned order within a week and directing the 3rd respondent to have the appeal considered and disposed of by the competent authority within a period of six weeks from the date of receipt thereof.

3. In the result, the application is disposed of as agreed to by the learned counsel, allowing the applicant to file an Appeal against the impugned order within one week to the Appellate Authority, and with a direction to the 3rd respondent to have the appeal so filed considered and disposed of in accordance with law communicating the applicant a speaking order within a period of six weeks from the date of receipt of the memorandum of appeal by the Appellate Authority. There is no order as to costs.

Dated this the 2nd day February 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A1: A true copy of order bearing No. V/C.415/DAR/5/Major/98 dated 13.1.99 issued by the second respondent.
