

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 169 of 2003

Friday, this the 28th day of February, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. N. Gopalan,
Ticket Collector (Reverted),
Working as Server in Parasuram Express,
Southern Railway, Ernakulam Jn,
Kochi.Applicant

[By Advocate Mr. K.A. Abraham]

Versus

1. Union of India represented by the
General Manager, Southern Railway,
Chennai.
2. The Additional Divisional Railway Manager,
Southern Railway, Thiruvananthapuram Division,
Thiruvananthapuram.
3. The Senior Divisional Commercial Manager,
Southern Railway, Thiruvananthapuram.Respondents

[By Advocate Mr. Thomas Mathew Nellimoottil]

The application having been heard on 28-2-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

In this OA, the applicant is aggrieved by Annexure A7 order dated 17-6-2002 whereby he has been reverted from the post of Ticket Collector to the post of Server in pursuance of disciplinary proceedings initiated as per Annexure A2. It would appear that the applicant had been served with two charge memos (Annexure A1 and A2) and a comprehensive enquiry was undertaken culminating in two separate enquiry reports. While the charges are similar in nature in as much as the applicant is alleged to have made irregular allotments of berths on 19-1-1998 as per Annexure A1 and on 21-1-1998 as per Annexure

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A2 charge memos, on the basis of the enquiry report in respect of Annexure A1 charge memo, the applicant had been awarded a penalty of reversion from the post of Ticket Collector to the post of Server. The order apparently was confirmed in appeal and the applicant sought relief from this Tribunal by filing OA No.403/99. This Tribunal by order dated 17-7-2001 in OA No.403/99 set aside the orders impugned therein and declared that the applicant was entitled to all consequential benefits. Thereupon, the applicant was reinstated as Ticket Collector. The respondents appear to have, after a lapse of nearly three years of service of A4 enquiry report pertaining A2 charge memo proceeded to levy the same penalty of reversion as done earlier. Thus, the applicant was again reverted from the post of Ticket Collector to the post of Server vide Annexure A7 order which incidentally advises him as to the appellate authority to which he could further address his grievance, if any. Accordingly, the applicant filed an appeal before the 2nd respondent vide Annexure A8 appeal memorandum dated 23-7-2002. This statutory appeal is pending before the appellate authority till date. As no order has been passed so far on the appeal filed by the applicant, the applicant has filed this OA seeking the following main reliefs:-

- "(i) To set aside Annexure A7 order imposing the punishment of reversion of the applicant to the post of 'Server'.
- (ii) To direct the 2nd respondent to consider and pass orders in Annexure A8 statutory appeal submitted to him on 23.7.02."

2. When the case came up for consideration for admission, Shri K.A Abraham, learned counsel for the applicant who has taken us through the facts of the case would submit that the purpose of the present OA would be served, if the appeal filed by the applicant as per Annexure A8 is considered by the appellate authority and an appropriate order is passed within a

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specified time frame. Shri Thomas Mathew Nellimoottil, who took notice on behalf of the respondents, on his part stated that the respondents could be advised to dispose of the statutory appeal within a time frame.

3. In the light of the submissions made by the respective counsel as noted above, we dispose of the Original Application by directing the 2nd respondent to expeditiously dispose of Annexure A8 statutory appeal filed by the applicant having regard to the entire gamut of facts in this case and take a judicious decision and issue a speaking appellate order within forty-five days from the date of receipt of a copy of this order. There is no order as to costs.

Friday, this the 28th day of February, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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