

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 31-8-87

APPLICATION NO 510 /87(F)

W.P. NO \_\_\_\_\_

Applicant

Shri N. Shivaram

V/s The Chairman, Railway Board & anr

To

1. Shri N. Shivaram  
Inspector of Works  
Office of the Executive Engineer  
(Construction)  
Southern Railway  
Mysore

2. Shri M.R. Shailendra  
Advocate  
844 (Upstairs)  
Vth Block, Rajajinagar  
Bangalore - 560 010

3. The Chairman  
Railway Board  
Rail Bhavan  
New Delhi - 110 001

4. The General Manager  
Southern Railway  
Park Town  
Madras - 3

5. Shri K.V. Lakshmanachar  
Advocate  
No. 4, 5th Block  
Briand Square Police Qrs  
Mysore Road, Bangalore - 2

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXX~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said

application on 21-8-87.

Encl : as above

B. V. Venkatesh  
Deputy Registrar  
SECTION OFFICER  
(JUDICIAL)

RECEIVED 5 Copies 01/09/87

Diary No. 1092/87 (CR)

Date: 2-9-87

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 21ST DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 510/1987

Shri N. Shivaram,  
S/o late Dodda Lingaiah,  
Aged 47 years,  
Inspector of Works,  
O/o the Executive Engineer  
(Conversion), Southern Railway,  
Mysore.

..... Applicant

(Shri M.R. Shylendra, Advocate)

v.

1. The Chairman,  
Railway Board,  
Rail Bhavan,  
New Delhi.

2. The General Manager,  
Southern Railways,  
Madras.

..... Respondents.

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing to-day,  
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under  
Section 19 of the Administrative Tribunals Act, 1985  
( 'the Act' ).

2. At the material time, the applicant was working as  
an Inspector of Works, Construction, in the Mysore Division  
of the Southern Railway. In a disciplinary proceeding  
instituted against him under the Railway Servants (Discipline  
and Appeal) Rules, 1968 ( 'the Rules' ), the General Manager,



Southern Railway, Madras ('GM'), by his order No. P(S)227/B/14/dated 15.4.1936 (Annexure-C) awarded the penalty of reduction in grade/rank from 1.5.1936. Aggrieved by this order, the applicant has filed an appeal under the Rules before the Chairman, Railway Board ('Chairman') on 9.6.1936 which is still pending disposal before him. As the Chairman had not disposed of the said appeal within six months from 9.6.1936, the applicant has approached this Tribunal on 24.6.87 challenging the order made by the GM.

3. Shri M.R. Shylendra, learned counsel for the applicant, contends that since the appellate authority ('AA') had not disposed of the appeal filed before it within the time specified in the Act, this Tribunal should examine the validity of the order made by the GM and annul the same.

4. Shri K.V. Lakshmanachar, learned counsel for the respondents, contends that though there has been some delay in disposing of the appeal the same was for reasons beyond the control of the AA and therefore this Tribunal should only direct the disposal of the appeal, without examining the validity of the order made by the GM.

5. We have perused the papers placed by Shri Lakshmanachar. We are satisfied that the delay in disposing of the appeal was not deliberate and was for reasons beyond the control of the AA. When this is so, it would be more proper for us to direct the AA to dispose of the appeal, with expedition, providing an opportunity of personal hearing



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to the applicant if such a claim is made by him. In this view, we decline to examine the validity of the order of the GM.

6. In the light of our above discussion, we direct the Chairman, respondent No.1, to dispose of the appeal of the applicant with all such expedition as is possible in the circumstances of the case, and in any event, within a period of four months from the date of receipt of this order, in accordance with law, and the observations made in this order.

7. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.



dms/Mrv.

Sd/-  
Vice-Chairman

21/8/10

Sd/-  
Member (A)

True copy

B. V. Venkatesh  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
31/8/10

GOVERNMENT OF INDIA (BHARAT SARKAR)  
MINISTRY OF TRANSPORT (PARIVAHAN MANTRALAYA)  
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)  
(RAILWAY BOARD)

No.E(G) 8 7-LL3- 6

New Delhi, dated 10-9-1987

To,

The Registrar, Central Administrative Tribunal,

Commercial Complex (BDA)

Indira Nagar,

Bangalore - 560028

Sub: App. no. 570/87

in Shri Saran

Sir,

I am directed to refer to your summons/orders dated 21-8-87 on the subject mentioned above and to state that the General Manager S. Railway is the competent authority to deal with this matter. The summons/orders in question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,

DA: Nil.

for Secretary, Railway Board.

No. E(G) 8 7-LL3- 6

New Delhi, dated 10-9-1987

Copy together with the summons/orders received from the Tribunal/Court are forwarded in original to the General Manager Southern

Railway for further necessary action.

The next date of hearing is

DA/As above.

Desk Officer, Establishment  
Railway Board