

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 15th DAY OF APRIL 1987

Present : Hon'ble Shri Ch.Ramakrishna Rao Member(J)

Hon'ble Shri L.H.A.Rego Member(A)

APPLICATION No.197/87(F)

A.N.Subramanyam,
Ex-E.C.R.C., Grade-I,
S.B.C., Southern Railway,
Bangalore.

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APPLICANT

(Shri M.Raghavendrachar ... Advocate)

v.

General Manager,
Southern Railway,
Madras-3.

Chief Commercial Superintendent,
Southern Railway,
Bangalore.

...

RESPONDENTS

(Shri Venugopal ... Advocate)

This application has come up before the court today.

Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following :

ORDER

Proceedings were initiated against the applicant under the provisions of Railway Servants(Disciplinary & Appeal) Rules, 1968 alleging that he had issued pamphlets on 29.2.1984 subscribing his name and using derogatory language against some senior officers in the Mangalore Division. The disciplinary authority (R2) held that the allegations were established and imposed the penalty of removal from service. According to the applicant, he preferred an appeal against the order of R2 to the appellate authority(R1) but, the same not having been disposed of within six months, he has filed this application for setting aside the order dated 28.1.1985 passed by R2.



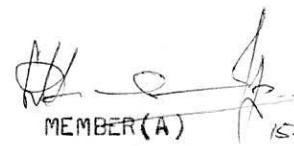
2. Sri M.R.Achar, learned counsel for the applicant, submits that there has been enormous delay on the part of R1 in disposing of the appeal preferred by his client and this Tribunal should therefore entertain the application.

3. Sri A.N.Venugopal, appearing for the respondents, submits that no appeal has actually been received from the applicant in the office of R1 and, as such, the appellate authority, R1, cannot be blamed for not disposing of the appeal.

4. After giving careful thought to the matter, we consider that the ends of justice would be met if the applicant is permitted to file a memorandum of appeal before the competent authority within one month from the date of receipt of this order. The appellate authority, after receipt of the memorandum of appeal, shall dispose of the same within three months. While doing so, he shall grant a personal hearing to the applicant and dispose of the appeal by a speaking order, wherein the contentions urged by the applicant are considered carefully and cogent reasons given for the conclusions arrived at.

5. In the result the application is disposed of subject to the above observations. No order as to costs.

Ch. Rama Baskar
15.4.87
MEMBER(J)


15.4.87
MEMBER(A)

AN.