

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 038.

Dated: 19 JUN 1995

APPLICATION NO. 917 of 1994.

APPLICANTS: Mr.D.Rajasekharan,  
v/s.

RESPONDENTS: The General Manager, Southern Railway,  
Madras and others.,

To

1. Sri.K.V.Shananna, Advocate,  
No.1465, 14th Main Road,  
West of Chord Road,  
Mahalakshmpuram, Bangalore-560086.
2. The General Manager,  
Southern Railway, Park Town,  
Madras-600003.
3. Sri.A.N.Venugopala Gowda,  
Advocate, No.8/2, Upstairs,  
R.V.Road, Bangalore-560004.

Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 07-06-1995.

Issued on  
19/06/95

*[Signature]*

*[Signature]*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

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O R D E R

Shri V. Ramakrishnan, Member (A):

Heard Shri K.V. Shamanna for the applicant and Shri A.N. Venugopala Gowda for the Railways. When the applicant had approached the Tribunal in OA 772/93 the Tribunal had quashed the impugned order dated 27.11.92 as at Annexure A-3 passed by the Chief Administrative Officer and remitted back to the appellate authority to pass an appropriate speaking order after considering the matter objectively. The Chief Administrative Officer has since passed another order dated 2.5.94 as at Annexure A-7 where he has refused to expunge the adverse remarks. Hence, the present application.

2. Shri Shamanna brings to my notice that in terms of the Railway Board's instructions dated 17.6.91, particularly para 8 thereof, representation against adverse remarks should be dealt with and decided upon expeditiously by the competent authority, i.e. normally the authority next above the reviewing authority. Shri Shamanna further submits that higher authority to the reviewing authority is the General Manager and that his representation should have been dealt with at the level of the General Manager instead of Chief Administrative Officer. Shri Venugopal after verifying the position states that such a circular in fact exists and it has not been superseded. He also agrees that the competent authority for deciding the representation should be the General Manager in this case, as per their instructions.

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In view of the provisions contained in circular dated 17.6.91 referred to above, the representation should have been dealt with at the level of General Manager ~~and~~ who is <sup>the</sup> next higher authority. The order dated 27.11.92 as also the subsequent order dated 2.5.94 had not been passed by the competent authority in terms of the circular.

3. In the light of the position as brought out above, I quash the order dated 2.5.94 along with the ~~instruction~~ <sup>order</sup> passed by the Chief Administrative Officer and direct that the representation of the applicant against the adverse remarks should be disposed of by General Manager, 1st respondent. At this point, Shri Shamanna submits that liberty may be given to the applicant to submit a supplementary representation clarifying some more issues. Shri Venugopal has no objection. If the applicant so desires, he may submit a supplementary representation within two weeks from today and the General Manager who is the competent authority should dispose of the relevant representation within three months from the date of receipt of such representation. With the above directions the matter is disposed of finally. No costs.



TRUE COPY

*[Signature]*  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

*Sch*  
( V. RAMAKRISHNAN )  
MEMBER (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH, BANGALORE.**

**ORIGINAL APPLICATION NO. 917/ 1994**

**WEDNESDAY, THIS THE SEVENTH DAY OF JUNE, 1995.**

**SHRI V. RAMAKRISHNAN**

...

**MEMBER (A)**

Shri D. Rajasekharan,  
S/o Shri M. Dandapani,  
aged about 50 years,  
Confidential Assistant,  
O/O Chief Engineer (Construction),  
Southern Railway,  
18, Millers Road,  
Bangalore - 560 046.

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**Applicant**

( By Advocate Shri K.V. Shamanna )

Vs.

1. Union of India, represented by  
The General Manager,  
Southern Railway, Park Town,  
Madras - 600 003.
2. The Chief Personnel Officer,  
Southern Railway, Park Town,  
Madras - 600 003.
3. The Chief Administrative Officer  
(Construction), Southern Railway,  
18, Millers Road,  
Bangalore - 560 046.
4. The Chief Engineer (Construction),  
Southern Railway,  
18, Millers Road,  
Bangalore - 560 046.
5. Shri M. Ravindra,  
Chief Administrative Officer  
(Construction), Southern Railway,  
18, Millers Road,  
Bangalore - 560 046.

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**Respondents**

By Advocate Shri A.N. Venugopala Gowda for Railways)



O R D E R

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