

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 19 JAN 1994

APPLICATION NO(s) 5 of 1994

APPLICANTS:

B. Aswathanarayana
T.O.

VS RESPONDENTS: Sr. Div. Operating Supt
S. Railway, Bangalore & Others.

- ① Sri. M. Raghavendrachar,
Advocate, No. 1024 & 1075,
415 Cross, 2nd Main,
Srinivasanagar, Bangalore-50
- ② The Senior Divisional Operating Supt.
Southern Railway, Bangalore.
- ③ Divisional Personnel Officer,
Southern Railway, Bangalore.
- ④ Chief Operating Manager,
Southern Railway, Madras

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

-XXX-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 05-01-94.

Read for Smt

gm* C. NAGARAJU

Re Shiva 19/1
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Q
Issued
On

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 5 OF 1994

WEDNESDAY THIS THE 5TH DAY OF JANUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. V. Ramakrishnan, ... Member(A)

B. Aswathanarayana,
S/o Narasinhaiah,
Aged about 42 years,
Residing at No. 5-6-136,
Railway Quarters,
Hindupur, Ananthapur District. .. Applicant.

(By Advocate Shri M. Raghavendrachar)

v.

1. The Senior Divisional Operating Superintendent, Bangalore Division, Southern Railway, Bangalore.
2. The Divisional Personnel Officer, Southern Railway, Bangalore Division, Bangalore.
3. The Additional Divisional Railway Manager, Bangalore Division, Bangalore.
4. The Chief Operating Manager, Southern Railway, Madras. .. Respondents.

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O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

There appears to be some delay in the filing of this application. In the circumstances explained in the Miscellaneous Application we condone the delay.

After having heard Mr. M. Raghavendrachar, learned counsel for the applicant, we think that in the facts and circumstances of the case the applicant would be better off in insisting upon the disposal of the review application said to have been filed as per Annexures A6 and A7 seeking intervention of the higher authorities in the matter of remedying his grievance touching the impugned order which is one of removal from service. It seems to us that the penalty of removal now imposed is somewhat



harsh in the facts and circumstances of the case. But, then ~~major~~ punishment being a matter within the discretion of the authority, it would be more appropriate for the applicant to persuade the administrative authorities to mitigate the rigour of the penalty by imposing on him a punishment other than removal. We commend to the authorities to pass an appropriate order in that behalf taking note of the observation made herein and the fact that the punishment in the criminal case was based on an incident due to an unfortunate bickering between the applicant and an officer. Parting with the above observation we direct the disposal of the representations which are styled as review applications as per Annexures A6 and A7 within 3 months from the date of receipt of a copy of this order.

This application stands disposed off finally as aforesaid.

Let a copy of this order be sent to the respondents as expeditiously as possible.

Sd-

MEMBER(A)

Sd-

VICE-CHAIRMAN.

np/



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Sd/ Shrivastava
Chairman
C.A.T.
New Delhi
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Sd/ Shrivastava
Chairman
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