

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

TUESDAY THE ~~thirteenth~~ DAY OF JUNE  
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR. B.N.JAYA SIMHA: VICE-CHAIRMAN  
AND  
THE HON'BLE MR.D.SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. 611 of '87

Between:-

C. Rama Rao.

.....Applicants.

1) The Divisional Commercial Superintendent,  
South Eastern Railway, Waltair,  
2) The Additional Divisional Railway manager,  
South Eastern Railways, Waltair.  
3) The Divisional Railway Manager,  
South Eastern Railway,  
Waltair.

.....Respondents.

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to quash the order of removal bearing No. WC2/CR/84. dt. 15/6/87 passed by the 2nd respondent herein and re-instate him with all back wages, attendance benefits and continuity of service.

ORIGINAL APPLICATION NO.411 of 1987.

(ORDERS OF THE TRIBUNAL)

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The applicant herein seeks to question Order No.WCZ/CR84 dated 15-6-1987 passed by the second respondent, viz., the Additional Divisional Railway Manager, South Eastern Railway, Waltair, removing the applicant from service. The applicant was working as Travelling Ticket Inspector in South Eastern Railway. The applicant has not preferred any appeal before approaching this Tribunal. The reason for/preferring not an appeal is that the second respondent, who is the appellate authority, over the first respondent, has assumed charge of the disciplinary authority and inflicted the punishment. Thereby, the applicant states that his right of appeal is taken away. Even if the second Respondent has acted as the primary disciplinary authority, it is not as though the applicant is without a remedy of ~~any~~ appeal. He has a right of appeal to the next higher authority over the second respondent. The applicant is, therefore, directed to submit an appeal covering all the points which he may wish to ~~do~~ <sup>make</sup> within

one week from the date of receipt of this Order and the appellate authority, viz., Divisional Railway Manager, South Eastern Region, Waltair should dispose of the appeal within ~~six weeks~~ from the date of receipt of the appeal.

2. The applicant submits that pursuant to the order of removal, he is likely to be sent out from his quarters without further notice. General instructions of the Government of India in regard to concessional period that can be granted for retention of residence stipulates that a concessional period of one month can be granted for a government servant who has been dismissed or removed from service, for retention of quarter. Since we have directed the applicant to exhaust his alternate remedy of appeal, he shall not be evicted from the quarter ~~during the pendency of the~~ <sup>Until the appeal is disposed of by</sup> ~~The appellate authority~~ <sup>appeal.</sup> He shall be liable to pay rent, charges etc. as is payable by him under the rules.

3. With these directions, the application is disposed of at the time of admission.  
(dictated in open court)

B.N.Jayasimha  
(B.N.JAYASIMHA)  
Vice-Chairman

D.Surya Rao  
(D.SURYA RAO)  
Member (Judl.)

30th June, 1987.