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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
AT HYDERABAD

OA No. 528/89

Date of judgement : 22-1-93.

Between

Shri M. Rajanarasaiah

And

1. The General Manager
South Central Railway, Secunderabad.
2. The Chief Personnel Officer
South Central Railway
Rail Nilayam, Secunderabad-500 371.
3. The Senior Divisional Operating Superintendent, South Central Railway, Secunderabad (BG) Division, Secunderabad.
4. The Divisional Operating Superintendent (BG)
South Central Railway, Secunderabad (BG) Division, Secunderabad.

COUNSEL FOR THE APPLICANT

: SHRI V. VENKATESWARA
RAO

COUNSEL FOR THE RESPONDENTS

: SHRI JALLI SIDDAIAH

CORAM

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

(Judgement of the division bench as delivered by Shri
R. Balasubramanian, Member (Admn.)

This application is filed by Shri M. Rajanarasaiah with a prayer to quash the order No. C/T-194/I/91/J/84 dated 24-9-86 issued by the 4th Respondent imposing the penalty of stoppage of one increment for six years in Grade Rs. 425-640 from Rs.485/-to Rs.500/- without postponing the future increments and the order

communicating the confirmation by the 3rd Respondent of the penalty imposed by the 4th Respondent, vide his order No. C/T-194/I/91/J/84 dated 22-04-88 on the applicant.

The applicant while functioning as Acting Station Master at Potkapalli (PTKP), was charged with refusal to hand over the charge of the Station Master to one Shri G.K. Mallaiah who came as Leave Reserve ASM in the higher grade from Kolanur. An enquiry was conducted and the competent authority after considering the enquiry report inflicted the penalty vide his order dated 24-9-86. Thereafter the applicant made an appeal dated 6-11-86. The appeal was disposed of by the appellate authority on 22-4-88 stating simply " I have gone through the appeal of the employee. He has not brought out any new reasons to warrant ~~revision~~ of the punishment already imposed. The punishment imposed stands good". The applicant, thereafter submitted another representation the date of which is not known but from the endorsement of SM, SCR, Kolanur, it can be seen that it was forwarded on 15-1-89. Not getting any disposal, the applicant has approached this Tribunal with the above OA. The respondents opposed the OA and have filed a counter. It is their case that they have followed the procedure laid down in D&A Rules strictly and the charge against the applicant namely dis-obedience of the order of the Senior Divisional Operating Superintendent to make over charge of the Station Master by the applicant to Shri G.K. Mallaiah stood proved and hence the punishment.

We heard Shri V. Venkateswara Rao, learned counsel for the applicant and Shri Rajeswara Rao, appearing for Shri Jalli Siddaiah, learned counsel for the respondents. Shri Venkateswara Rao laid stress on the point that the enquiry was not properly conducted and the applicant was not given adequate opportunity to defend himself, in that while the department relied on the preliminary report wherein the applicant is stated to have admitted his guilt, the same was not furnished to him. It was also his case that the book supposed to contain control message which the applicant is alleged to have dis-obeyed was not produced at the time of enquiry. He went ahead further and said that the enquiry authorities did not even care to produce the preliminary records to substantiate the charges levelled against the applicant. In addition, he also went to the extent of telling that if the charge was proved it would be so grave as not to ~~end~~ in such a ~~low~~ punishment. On the other hand, Shri Rajeswara Rao could only state that the enquiry was conducted strictly according to D & A Rules. Apart from what the learned counsel for the applicant stated in the hearing what we are surprised at is the cavalier fashion ^{in which} the appellate authority has disposed of the appeal with scant regard to Rule 22 of the Railway Service Discipline & Appeal Rules, 1968. In the ~~sketchy~~ order, he has stated that the applicant has not brought out any new reason to warrant revision of the punishment. ^{He has not covered why the reason} given was not adequate for warranting revision of the punishment. We are thoroughly dissatisfied with the casual manner in which the appeal was disposed of by the appellate authority. We find that it is a fit case where the case should be remanded back to the appellate authority with the direction

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that he applies his mind properly and adequately to the case and the D & A Rules in the disposal of the case. We accordingly, remand the case back to the appellate authority for a careful and thorough study of the case and disposal of the appeal. ~~The applicant~~ will be at liberty to pursue the case ~~thereafter~~ in accordance with D & A Rules. We direct that the direction contained herein be carried out by the respondents within a period of 2 months from the date of receipt of the order.

The OA is disposed of with no order as to costs.

R. Balasubramanian

(R. Balasubramanian)
Member (Admn.)

frst
(C.J. Roy)
Member (judl.)

Open court judgement

Dated 22nd January, 1993.

529/19
By. Registrar (J)

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To

1. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad-371.
3. The Senior Divisional Operating Superintendent, S.C.Rly, Secunderabad(BG) Division, Secunderabad.
4. The Divisional Operating Superintendent(BG) S.C.Rly, Secunderabad(BG) Division, Secunderabad.
5. One copy to Mr.V.Venkateswara Rao, Advocate, CAT.Hyd.
6. One copy to Mr.J.Siddaiah, SC for Rlys, CAT.Hyd.
7. One spare copy.

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CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO, V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY: M (5)

DATED: 22-1-1993

~~ORDER~~ JUDGMENT:

R.P./C.P/M.A. No.

in
C.A. No. 528/89.

T.A. No.

(W.P. No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

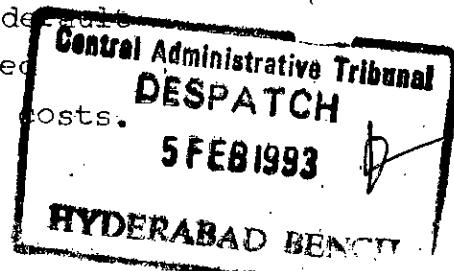
Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.



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