

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

(12)

REVIEW PETITION No.14 OF 1990
IN
=TRANSFERRED/ORIGINAL APPLICATION NO. 618 OF 1989.

DATE OF ORDER: 29-3-90

BETWEEN:

N.Suresh Kumar

APPLICANT(S)

A.N.D

Divisional Railway Manager,
South Central Railway,
Vijaywada
& another

RESPONDENT(S)

FOR APPLICANT(S): Shri V.Krishna Rao, Advocate.

FOR RESPONDENT(S): Shri N.R.Devaraj, SC for Railways.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian, : Member(Admn).

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Bench of the Tribunal?
5. Remarks of Vice-Chairman on columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

HJNM
M(J)

HRBS
M(A)

REVIEW PETITION No.14 OF 1990

IN

ORIGINAL APPLICATION No.618 OF 1989.

(13)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE
SHRI R.BALASUBRAMANIAN, MEMBER (ADMN).

This is a review petition filed under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 in O.A.No.618 of 1989 by Shri N.Suresh Kumar against the Divisional Railway Manager, South Central Railway, Vijaywada and another. The judgment in the case of O.A.No.618 of 1989 was pronounced on 5.2.90.

2. This ~~review~~ petition seeks review on the grounds that the Tribunal did not consider the Full Bench judgments in the case of Gafoor Mia Vs. Director, DMRL and also Premnath K.Sharma Vs. Union of India.

3. It is seen on a closer scrutiny that the copy of the enquiry proceedings/report in sheets ^{were} ~~was~~ furnished to the applicant along with the order of punishment passed on 24.10.88 by the Sr. DME, Vijaywada. This straightway attracts the decisions contained in the Full Bench judgment in the case of Premnath K.Sharma Vs. Union of India.

4. The order of punishment was passed by the Sr. DME, Vijaywada. This attracts the conclusion in the case of Gafoor Mia Vs. Director, DMRL (Hyderabad).

5. The punishment order was not passed by the appointing authority. This violates the decision in the case of Gafoor Mia Vs. Director, DMRL I 1988(2) SLJ 277 (CAT) I. The impugned order No. B/P.5/III/88/48 dated 24.10.88 issued by the Sr. DME, Vijaywada cannot be sustained in law. We therefore quash the said impugned order dated 24.10.88 issued by the Sr. DME, Vijaywada. There is no order as to costs.

MS
(J. NARASIMHA MURTHY)
Member (Judl).

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member (Admn).

Dated

29th March 1990

D. R. Devaraj
DEPUTY REGISTRAR (J)

TO:

1. The Divisional Railway Manager, South central Railway, Vijayawada.
2. The Senior Divisional Mechanical Engineer (L) south central railway, Vijayawada.
3. One copy to Mr. V. Krishna Rao, Advocate, 12-11-1144, Boudhanagar, Secunderabad-500 361.
4. One copy to Mr. N. R. Devaraj, SC for Railways., CAT, Hyd.
5. One spare copy, to Hon'ble Mr. R. Balasubramanian, Member: (A), CAT., Hyderabad.
6. One spare copy.

• • •

k.j.

SN
2/4/90

Draft by: Checked by: Approved by:
D.R.(J)

Typed by:

Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR. B. N. JAYASIMHA: (V.C.)

AND

HON'BLE MR. D. SURYA RAO: MEMBER: (JUDL.)

AND

HON'BLE MR. J. NARASIMHA MURTHY: (M)(J)

AND

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

DATED: 29-3-90

ORDER/JUDGMENT: ✓

M.A./R.P./C.A./No. 14/90 in

I.A. No.

(H.P. No.)

D.A. No. 618/89

Admitted and Interim
directions issued.

Allowed.

Dismissed for default.

Dismissed.

Disposed of with direction.

M.A. ordered.

No order as to costs. ✓

Sent to Xerox on:

Adarsh
2/4/90

