

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

R.P.No.93/91 in
O.A.No.402/90.

Date of Judgement 27-1-92

K.Venkataswamy

..Petitioner/Applicant

Vs.

1. The Secretary,
Railway Board,
New Delhi.
2. The Divl. Rly. Manager(T),
(B.G.), S.C.Rly.,
Secunderabad.
3. The Sr. Divl. Optg. Supdt.,
S.C.Rly., Secunderabad.
4. The Chief Personnel Officer,
General Manager's Office,
Personnel Branch,
S.C.Rly., Secunderabad. ..Respondents/Respondents

Counsel for the Petitioner/
Applicant :: Shri V.Venkateswara Rao

Counsel for the Respondents/
Respondents :: Shri N.R.Devaraj, SC for Railways

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) I

This review petition is filed by Shri K.Venkataswamy against the Secretary, Railway Board, New Delhi & 3 others seeking a review of the judgement dt. 26.3.91 in O.A.No.402/90.

2. It is contended in the review petition that the O.A. ought to have been allowed on the ground that the enquiry report was not furnished to the petitioner before the disciplinary authority had come to the conclusion about the punishment to be inflicted. This aspect has specifically been dealt with in para 3 of the judgement wherein the learned counsel for the applicant chose not to press this ground. Even otherwise this ground is ~~totally~~ untenable in view of the latest legal

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position as laid down by the Hon'ble Supreme Court. We have no difficulty in dismissing this plea. It is also contended in the review petition that the enquiry ~~report~~ was not properly conducted.

3. The respondents have filed a counter opposing the review petition. It is pointed out by them that what the review applicant now seeks is a review of the judgement in the O.A.

4. We have heard Shri V.Venkateswara Rao for the review applicant and Shri N.R.Devaraj for the respondents. We have also perused the judgement carefully, particularly para 5 of the judgement in the O.A. The Bench had come to a clear conclusion not to interfere with the disciplinary proceedings since they did not perceive anything illegal in it. In the face of such a clear conclusion, for the applicant to re-agitate the matter is not acceptable in a review petition. The review petition is, therefore, dismissed with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

wdby
(C.J.Roy)
Member(J).

Dated: 27th January, 1993.

829/1/93.
Deputy Registrar(J)

To

1. The Secretary, Railway Board, New Delhi.
2. The Divisional Railway Manager (T) (B.G)
S.C.Rly, Secunderabad.
3. The Sr.Divisional Operating Superintendent,
S.C.Rly, Secunderabad.
4. The Chief Personnel Officer,
General Manager's Office,
Personnel Branch, S.C.Rly, Secunderabad.
5. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One spare copy.

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*2/2/93
D.R.J.*

(2)

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COMPARED BY

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 M. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND

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

DATED: 27-1-1993

ORDER/JUDGMENT:

R.P./C.P/M.A. N. 93(91)

in

M.A. No.

602/90

F.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.

pvm

