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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 194/90.

Date of Decision : 9.10.1991.

T.A. No. -

N. Rukmani Devi

Petitioner.

Shri G.V. Subba Rao

Advocate for the
petitioner (s)

Versus

The Chief Medical Officer,
South Central Railway, Rail Nilayam,
Secunderabad & 4 others

Respondent.

Shri N.V. Ramana,
SC for Railways

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. Balasubramanian : Member (A)

THE HON'BLE MR. S. Santhanakrishnan : Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes.
2. To be referred to the Reporter or not ? Yes.
3. Whether their Lordships wish to see the fair copy of the Judgment ? No
4. Whether it needs to be circulated to other Benches of the Tribunal ? No
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)

HRBS
M(A)

HSSK
M(J)

According to the applicant, she was not in a position to attend the enquiry and despite her pleadings to the contrary, the respondents went ahead and conducted an exparte enquiry on 17.9.88. Thereafter, vide order dated 18.11.88 the disciplinary authority inflicted the punishment of compulsory retirement on her with effect from 22.11.88. ~~The subsequent appeal and review were also rejected.~~

3. Among the other grounds she had raised, ~~ie~~ that a copy of the enquiry report was not supplied to her before the punishment was inflicted, is one. At the time of hearing, the learned counsel for the applicant chose to rely on the Full Bench decision in Premnath K. Sharma Vs. Union of India & others and also the Supreme Court decision in Union of India & others Vs. Mohd. Ramzan Khan. It is, therefore, not necessary to go into the merits of the case at this stage. ~~Her appeal was rejected and the review petition was also rejected.~~

4. The respondents have filed a counter affidavit and oppose the application. It is their case that despite several attempts to make her participate in the enquiry they did not succeed and hence had to conduct an exparte enquiry. It is, however, admitted by the respondents that the enquiry report was ~~only~~ enclosed ^{only} to the penalty advice sent.

5. In the course of hearing the learned counsel for the respondents drew our attention to a decision dated 3.7.90 of the Bombay Bench of this Tribunal reported in 1990(3) SLJ (CAT) 295. He argued that in the case of an exparte enquiry it is not necessary to furnish a copy of the enquiry report before passing the punishment order. We have seen the judgment dated 3.7.90 of the Bombay Bench. In para 14 of the above judgment it had been held that

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 194/90.

Date of Judgment 9.10.1991

N.Rukmani Devi

.. Applicant

Vs.

1. The Chief Medical Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. The Divl. Rly. Manager,
South Central Railway,
Hubli.
3. The Medical Superintendent,
Railway Hospital,
South Central Railway,
Hubli.
4. The Divl. Medical Officer,
Railway Hospital,
South Central Railway,
Hubli.
5. Asst. Divl. Medical Officer,
Railway Health Unit,
South Central Railway,
Bellary. .. Respondents

Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents: Shri N.V.Ramana,
SC for Railways

CORAM:

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

Hon'ble Shri S.Santhanakrishnan: Member(J)

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

This application has been filed by Smt. N.Rukmani Devi under section 19 of the Administrative Tribunals Act, 1985 against the Chief Medical Officer, South Central Railway, Rail Nilayam, Secunderabad and 4 others, praying for quashing the penalty of compulsory retirement imposed on her.

2. The applicant joined the Railway service in June, 1963. It is stated that she fell sick in October, 1987 and had to be under prolonged treatment. The respondents issued a major penalty charge-sheet on 14.1.88 and ordered an enquiry also.

V.P.

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would affect the decision of the Disciplinary Authority.

At the same time, we hasten to add, that this order of the Tribunal is not a direction to necessarily continue the disciplinary proceeding. That is entirely left to the discretion of the Disciplinary Authority.

R.Balasubramanian
(R.Balasubramanian)
Member(A).

S.Santhanakrishnan
(S.Santhanakrishnan)
Member(J).

Dated: 9 October, 1991.

STY/10/91
Deputy Registrar (Jud)

Rs

To

1. The Chief Medical Officer, S.C.Railway,
Railnilayam, Secunderabad,
2. The Divl.Railway Manager, S.C.Railway,
Hubli.
3. The Medical Superintendent,
Railway Hospital, S.C.Railway, Hubli.
4. The Divl.Medical Officer, Railway Hospital,
S.C.Railway, Hubli.
5. The Asst. Divl.Medical Officer, Railway Health Unit,
S.C.Railway, Bellary.
6. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
7. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
8. One spare copy.

9. copy - to All Reporters as per the standard list
of CAT.Hyd.Bench.

pvm

Viswanath
(MWS)