

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No.335 of 1990

Date of Order: 24-4-1990

Between:-

Ch.Anjaneyulu .. Applicant

and

1. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
2. Deputy CME, Personnel Branch, Wagon Workshops, Guntupalli, Krishna District.
3. Union of India represented by Secretary & Chairman, Ministry of Railways, Rail Bhavan, New Delhi.

.. Respondents

Appearance

For the Applicant : Shri V.Rama Rao, Advocate.

For the Respondents : Shri N.R.Devraj, Standing Counsel for Railways.

CORAM

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.)

1. The applicant is a Head Clerk in the Workshop Personnel Officer's Office, South Central Railway, Guntupalli, Krishna District. Disciplinary proceedings were initiated against him on the ground that he had put up a note that for the post of Chief Clerk the number of vacancies was 5, whereas only 4 vacancies were actually available. After enquiry, the Enquiry Officer held in his report dated 31-7-1989 that the charges were not proved. The disciplinary authority (Workshop Personnel Officer) in his proceedings No.GR/P.227/CHA/Vig./89, dated 25-11-1989

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dropped the disciplinary proceedings. However, on 29-3-1990 the Respondent No.2 issued Memo No.GR/P.227/CHA/Vig/89, dated 29-3-1990 calling upon the applicant to show cause as to why the penalty of reduction to the lower grade for one year without loss of seniority should not be imposed upon him. Respondent No.2 stated that he disagreed with the findings given by the Enquiry Officer in his report dated 31-7-1989 and for the reasons given in the Memo he proposes to impose the penalty. It is this order that is questioned in this application.

2. The applicant ~~for~~ states that during the period between the date of report of the Enquiry Officer dt.31-7-1989 and the orders of the Disciplinary Authority dated 25-11-1989, the Chief Personnel Officer issued a show cause notice as to why the applicant's name should not be deleted from the selection panel of Chief Clerks. The applicant submitted his representation to the said show cause notice on 23-9-1989 stating that the proposed action was premature against principles of natural justice and suffering from self-contradiction. However, the Chief Personnel Officer ordered deletion of the name of the Applicant from the said panel in his proceedings No.Con/P/EST/608/GTPC/W.Shop, dated nil, December, 1989. This was served on the applicant on 8-2-1990. This order was challenged by the applicant in a separate application viz., O.A.177 of 1990.

3. The applicant urges mainly the following grounds challenging the show cause notice issued ~~through~~ proceedings dated 29th March 1990 : (i) that respondent No.2 has no jurisdiction to exercise the powers when the charges against the delinquent were dropped; (ii) that the 2nd respondent had not considered that the name of the applicant was already removed from the panel on 8-2-1990; (iii) that the applicant cannot be made to suffer twice and that the present action amounts to double jeopardy; (iv) that the matter is sub-judice before this Tribunal.

and that the action of the respondent is arbitrary.

3. We have heard the learned Counsel for the Applicant, Shri V.Rama Rao, and the learned Standing Counsel for the Department, Shri N.R.Devraj, who has taken notice at the admission stage.

4. All that the applicant is seeking in this application is to quash the proceedings initiated by the revisionary authority after a review of the disciplinary proceedings. All the grounds urged by the applicant in this application can be taken up by the applicant in his reply to the show cause notice.

5. We do not find any merit in the contention that the revision authority could not have issued the show cause notice because the Chief Personnel Officer had ordered deletion of applicant's name from the panel. The two are separate and distinct proceedings. Neither can the plea that the matter is sub-judice before this Court because of O.A.177 of 1990 is valid. We, therefore, find that the application is premature and has to be dismissed.

6. Shri V.Rama Rao also/by issuing the order deleting the name of the applicant from the panel of Chief Clerk, the respondents have already concluded that the number of vacancies is only 4 and not 5. The order of Chief Personnel Officer should not be held against the applicant by the revision authority while considering the reply to the show cause notice given by the applicant. We may make it clear that the revision authority will consider the matter only with reference to the relevant records forming part of the disciplinary proceedings and the material which the applicant may rely while replying to the show cause notice. The order of the Chief Personnel Officer deleting the name of the applicant shall not be used.

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7. Shri V.Rama Rao, learned Counsel for the applicant also states that delay in completion of the disciplinary enquiry adversely affects the chances of promotion of the applicant and therefore requests that direction to the respondents may be issued to complete the proceedings expeditiously.

8. On a consideration of the submissions made, we direct the applicant to submit his reply to the show cause notice dated 29-3-1990 bearing Memo No.GR/P.227/CHA/Vig/89, issued by the 2nd respondent, within 10 days from the date of receipt of this order and the respondents will dispose off the matter within six weeks from the date of receipt of his explanation. The application is dismissed subject to the above observation. No order as to costs.

(Dictated in Open Court)

B.N.Jayasimha
(B.N.JAYASIMHA)

VICE-CHAIRMAN

D.S.Rao
(D.SURYA RAO)
MEMBER (JUDICIAL)

Date: 24-4-1990

Deputy Registrar
881 DEPUTY REGISTRAR (J) 3/5/90

TO:

1. The Chief Personnel officer, south central railway, Rail nr Nilayam, Sec'bad.
2. The Deputy CME, personnel Branch, wagon workshops, Guntupalli, Krishna District.
3. The Secretary & Chairman, (Union of India) Ministry of Railways, Rail Bhavan, New Delhi.
4. One copy to Mr.V.Rama Rao, Advocate, 3-6-779, Street No.14, Himayatnagar, Hyderabad-500 029.
5. One copy to Mr.N.R.Devaraj, SC for Railways.,CAT,Hyderabad.
6. One spare copy.

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CHECKED BY

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:HYD.

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

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: 24.4.90

ORDER/JUDGMENT:

M.A./R.A./C.A./No. in

T.A.No. W.P.No. -

O.A.No. 335/90

Admitted and Interim directions issued.

Allowed.

Dismissed for default.

Dismissed. ~~No costs~~

Disposed of with direction.

M.A. ordered.

No order as to costs.

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