

(93)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT : HYDERABAD

OA.No.35 of 1990

DATE OF ORDER: 17-1-1990

BETWEEN

D.RAMACHANDER ..

APPLICANT

AND

1. The Union of India rep. by the General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Workshop Manager, Signal & Telecommunication Workshop, South Central Railway, Mettuguda, Secunderabad.

.. RESPONDENTS

APPEARANCE

For the Applicant .. Shri V.Durgaprasada Rao,
Advocate.

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

CORAM

HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN

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

The applicant is a Khalasi-Helper at the Signal & Telecommunication (S&T) Workshop, Mettuguda, Secunderabad. He has filed this application seeking a direction to the 2nd respondent to permit the applicant to undergo the remaining period of the training at Basic Training Centre (BTC Training).

The applicant states that from 1986 he has been working in the Foundry Shop as Khalasi-Helper, which is a semi-skilled post. He was undergoing training at the Basic Training Centre, which commenced on 1st November 1989

b3

contd..page 2/-

(16)

and the same will be completed by 31st January 1990, the duration of the training being three months.

3. On 3-1-1990, the applicant was summoned by the Railway Protection Force of the Signal & Telecommunication Workshop, Mettuguda, Secunderabad, and was implicated in a false criminal charge on the allegation of theft of scrap materials. He was produced before the XIII Metropolitan Magistrate at Secunderabad.

4. On 5-1-1990, when the applicant went to the Workshop, he was served with the impugned order with an order of suspension on the allegation of pendency of a criminal enquiry against him. The applicant submitted an appeal dated 6th January 1990 to the 2nd respondent requesting him to revoke the suspension order so as to enable him to complete the training at Basic Training Centre and he also undertook to bind himself to undergo any sort of punishment subject to the decision of the Court and the departmental enquiry. Although the applicant waited patiently, the second respondent orally told him that he had no power or authority to revoke the impugned order. Hence he has filed this application.

5. I have heard Shri Durga Prasad Rao, learned Counsel for the applicant and Shri N.R.Devraj, learned Standing Counsel for Railways. The main ground urged on behalf of the applicant is that the order of suspension will invalidate the period of training that the applicant has already undergone and he will have to undergo training afresh from the beginning if the training is interrupted at this stage. In the event of acquittal, the respondents will not be able to arrange a separate training programme for the applicant alone and his juniors would be promoted

bms

contd..page 3/-

To:

1. The General Manager, (Union of India), south central Railway, Rail Nilayam, Secunderabad.
2. The Chief Work-shop Manager, Signal & Telecommunications, work shop, S.C.Railway, Mettuguda, Secunderabad.
3. One copy to Mr.V.Durga Prasada Rao, Advocate, 11-3-292/36, Srinivas nagar, Secunderabad-500 361.
4. One copy to Mr.N.R.Devaraj, SC for Rlys.,CAT.,Hyderabad.
5. One spare copy.

• • •

kj.

(17)

to higher posts. He would thus be put to considerable hardship.

6. Shri Devaraj, however, states that when the applicant is under suspension, he ~~will~~ ^{can} not be permitted to remain on job, whether it is on training or otherwise. The applicant was involved in a theft of costly material and therefore he was placed under suspension. There is, therefore, no ground for revocation of suspension.

7. On a consideration of the submissions made, I find that while the order of suspension of the applicant cannot be revoked, it would cause hardship to the applicant if the rules require that he will be required to undergo training afresh from the beginning and that at a later date he cannot be given training only for the remaining part, which he has yet to undergo.

8. In the circumstances, I find it appropriate to give a direction to the respondents to allow the applicant to continue the remaining part of the training if the rules position is what is stated by the learned counsel for the applicant. The applicant will, however, continue to remain under suspension.

9. The application is disposed of with the above directions. No order as to costs.

DATE: 17-1-1990

B.N.JAYASIMHA
(B.N.JAYASIMHA)
VICE-CHAIRMAN

NSR

DEPUTY REGISTRAR (2)

187/190

18/11/20

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

Typed by: --- Compared by: ---

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

FURNISHED TODAY

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

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

HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)
AND

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

DATED: 17/1/90

ORDER/JUDGMENT

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

T.A. No. (W.P.No.)

O.A.No. 35(90)

Admitted and Interim directions
issued.

Allowed.

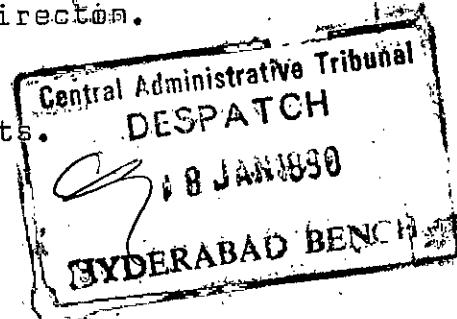
Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs.

Sent to Xerox on:



109/90
18/1/90