

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

OA No.980/90.

Date of Judgment:6-12-1990.

K.Vijayarangan

....Applicant

Vs.

1. Chief Security Commissioner, ...i
Railway Protection Force,
Rail Nilayam, Secunderabad.

....Respondents

Counsel for the Applicant : Shri B.Nageswara Rao

Counsel for the Respondent : Shri Gopal Rao, SC for Rlys

CORAM :

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Division Bench delivered by
Hon'ble Shri D.Surya Rao, Member (J)).

The applicant herein who is working as a Senior Clerk attached to the Railway Protection Forces of the South Central Railway, Guntakal has filed this application questioning order No.CSC/SC/F.O.No.136/90 dated 30-3-1990 passed by the Respondent. By the said order the respondent had held that since the applicant had been convicted on a Criminal charge under section 248(2) CPC by the IX Metropolitan Magistrate in CC No.37/86, and since the respondent considered that the conduct of the applicant which has lead to his conviction is such as to render his further retention in the public services undesirable he had passed the order dismissing the applicant from service with retrospective effect from the date of his conviction i.e.

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14-7-1988. ^{One of} the grounds ^{is} raised assailing the impugned order dt 30-3-90 that the applicant had preferred an appeal to competent court against the order of conviction passed by the Trial Court and therefore the order dt.30-3-90 should not have been passed. Another ground raised is that the impugned order dt.30-3-90 is illegal since it has been passed retrospectively with effect from 14-7-1988.

2. We have heard Shri B.Nageswara Rao, learned counsel for the applicant and Shri ^{D.} Gopal Rao, learned standing counsel for the Railways, who has taken notice at the admission stage and opposes the admission of the application. Shri Gopal Rao contends that the applicant has a right of appeal against the order dt.30-3-90 to the General Manager, South Central Railway under rule 18 of Railway Servants (Discipline & Appeal) Rules, 1968. The contention of the applicant that there are no statutory appeal under relevant rules is therefore not correct. Section 20 of the A.T.Act, 1985 is a bar to the admission of the application ^{since} ~~if~~ the employee has not exhausted all the remedies available to him under the relevant rules. ^{D.} We agree with the objection of Shri. Gopal Rao ~~From the above facts it is clear that~~ that the present application is premature. We ~~would~~ accordingly dismiss the application as premature. We would however give the applicant one month time from to-day for preferring ~~an~~ an appeal to the Appellate Authority against the impugned order dt.30-3-90. ^{D.} The competent authority will ^{intelligibly} dispose-of

the appeal there-of within two months. With these directions, the application is disposed-of as ~~premature~~.
No costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

D. Surya Rao
(D. SURYA RAO)
Member (J)

Dated: 6th December, 1990.
Dictated in Open Court.

For Deputy Registrar (Judl)

avl/

To

1. Chief Security Commissioner,
Railway Protection Force,
Rail Nilayam, Secunderabad.
2. Copy to Shri B. Nageswara Rao, Advocate,
Plot No.7, S.B.H.Colony, Asman Gadh,
Malakpet, Hyderabad - 36.
3. Copy to Shri Gopal Rao, SC for Rlys. C&T *Hyd Bench*
Hyderabad
4. One Spare Copy.

srr/

3/12/90

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APPROVED BY
TYPED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

THE HON'BLE MR. D. SURYA RAO : M(J)

AND

THE HON'BLE MR. J. KARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAM (A)

DATE: ~~24-9-~~ 6/12/90

ORDER / JUDGEMENT:

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

In

T.A. No.

W.P. No.

O.A. No. 380 / 1990

Admitted and interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

DESPATCH

Disposed of with direction.

M.A. Ordered / Rejected.

No order as to costs.

HYDERABAD BENCH
27/12/1990
DESPATCH
Administrative Tribunal