



.2.

his application dated 3.8.1987 at Annexure A-10 he expressed his desire to join duty along with a fitness certificate, but he was not admitted to duty. In 1987 when he came to know that he was involved in a criminal case, he submitted an application to the DRM dated 8.8.1988 praying that he should be granted subsistence allowance. He got the impugned order dated 13.10.88 at Annexure A-14 removing him from service for unauthorised absence without proper sanction and without observing <sup>the</sup> Railway Medical Attendance Rules. He was not granted subsistence allowance as he had never been suspended. He filed an appeal dated 20.12.88(Annexure A-15) and also sought copies of the disciplinary proceedings which were not supplied so far. The appeal has not yet been disposed of. The applicant's plea is that he was never served with any chargesheet or any communication about the disciplinary proceedings even though he had left the leave address. He has not been given copy of the punishment order or the enquiry report before the punishment order was passed. Since the competent authority had not refused leave nor rejected his application for grant of extension of leave, he cannot be punished for unauthorised absence. The respondents should have at least waited for five years of his absence before removing him.


3. We have heard the learned counsel for both the parties and gone through the documents carefully. The respondents have not filed any counter affidavit despite several opportunities given to them. It is however clear from the documents that the applicant had filed an appeal against the impugned order of his removal on 20.12.1988 at Annexure A-15 which has not yet been disposed of.

4. In the circumstances we allow the application to the extent of directing the respondents to get the appeal dated 20.12.88 at Annexure A-15 filed by the applicant disposed of by the appellate authority within

a period of two months from the date of communication of this order, by a speaking order after giving an opportunity to the applicant for a personal hearing, if he so desires. In case the appeal is not immediately traceable, Annexure A-15 should be taken to be the appeal to be disposed of on the above lines . If there is any delay in filing of the appeal, the same should be condoned. There will be no order as to costs.



(A.V. Haridasan)  
Judicial Member



(S.P. Mukerji)  
Vice Chairman

n.j.j

  
Deputy Registrar (Judl.)

Copy to:-

1. The Divisional Railway Manager(P),  
South Central Railway, Vijayawada Division,  
Vijayawada-520 003.
2. The Chief Personnel Officer,  
South Central Railway, Rail Nilayam,  
Secunderabad-500 025.
3. The Chairman,  
Railway Board,  
Union of India,  
Rail Bhawan,  
New Delhi-11 001.
4. One copy to Shri. C. Suryanaryana, 1-2-593/50, Sri Nilayam,  
Sri Sri Marg, Gaganmahal, Hyderabad-500 029.
5. One copy to Shri. N.R. Devraj, Addl. CGSC CAT Hyderabad.
6. One spare copy.

Rsm/-

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3/2/2014  
RVC

*copy* O.A. 64/90

TYPED BY \_\_\_\_\_ COMPARED BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. S.P. MUKHARJI :V.C ✓

AND

THE HON'BLE MR. A.V. HAZI DASAM M(J) ✓

AND

THE HON'BLE MR. R. PALASUBRAMANTAN :M(A)

AND

THE HON'BLE MR. \_\_\_\_\_ M(J)

DATED: 26/11/1991 ✓

~~ORDER/JUDGMENT:~~ ✓

M.A./P.A./C.A. No. \_\_\_\_\_

in

O.A.No. 64/90 ✓

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

~~Admitted and Interim directions~~  
Issued. *A copy of Annexure 15-A to be attached to this judgment*

✓ Allowed. ✓

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

✓ No order as to costs. ✓

**Central Administrative Tribunal**  
**DESPATCH**  
9.4/12  
**HYDERABAD BENCH.**

pvm

*9/12/91*