

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP.66/92 in
CP.4/92 in
OA.1032/90

date of decision 3-12-1992

Between

B. Venkataswamy : Petitioner

and

Sri D.C. Mishra
General Manager
South Central Railway
Secunderabad : Respondent

Counsel for the applicant : G. Vedanta Rao, Advocate

Counsel for the respondent : D. Gopala Rao, Standing
Counsel for Railways

CORAM

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON. MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

Judgement

(As per Hon. Mr. T. Chandrasekhara Reddy, Member(Judl.)

CP.66/92 is filed by the applicant in the main OA.1032/90 to punish the respondents for contempt of Court, for not implementing the orders of this Tribunal in OA.1032/90.

2. In our order dated 27-8-1992 in CP.4/92, in OA.1032/90 we have given the following direction :

"We direct the respondents to accord adhoc promotion to the applicant from 27-1-1989 itself if there was no charge-sheet pending against him on that date. If, however, there was a charge sheet pending against him on that date, then he should be given adhoc promotion only from the date two years after the date of charge sheet."

P/S

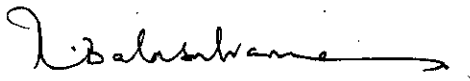
3. In the said order we have also extracted the instructions of the Department of Personnel and Training vide OM.No. 22011/5/86-Est(D) dt.10-4-1989.

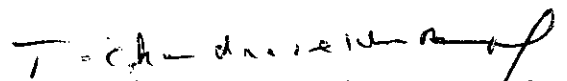
Para (b) of the said OM says, "whether the charges are grave enough to warrant continued denial of promotion."

4. In the counter filed in CP by the respondents, they have maintained that the charges framed against the applicant are grave in nature and as such the applicant had not been promoted on adhoc basis. To ascertain the truth of the allegation of the respondents, we asked the counsel for the respondents to take us through the charge-sheet that has been served as against the applicant by the disciplinary authority. The ^{main charge} ~~grave~~ charge as against the applicant is that twice he had overdrawn the GPF amount though actually the same was not to his credit. So if these charges are not grave, in our opinion, no other charges can be grave. So in view of the ^{said} ~~charges~~ ^{charge} the respondents ~~thought~~ ^{thought} it fit not to promote the applicant. So ~~in view of the above para extracted~~, the action of the respondents in not promoting the applicant on adhoc basis is valid. We do not see any wilfull disobedience on the part of the respondents in compliance with the direction of the Tribunal. Hence, the CP is dismissed. ~~_____~~

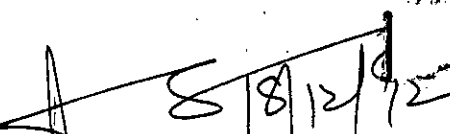
5. Mr. Krishnaiah, learned counsel for the applicant, maintained in his argument that the General Manager, who is the respondent herein had not dealt with the adhoc promotion of the applicant as directed by the Tribunal and only the Railway Board which is higher body that has dealt with the promotion of the applicant and so the action of the respondents in not promoting the applicant ~~is not legal~~.

In the absence of the General Manager, the matter had been dealt with by the Railway Board which is higher authority than the General Manager. So the action of the Railway Board in dealing with the matter is lawful, legal as the Railway Board is the higher authority than the authority of the General Manager. There are no merits in this CP and hence, the CP is dismissed. Furnish CC.


(R. Balesubramanian)
Member (Admn)


(T. Chandrasekhara Reddy)
Member (Jd)

dated : December 3, 92
Dictated in the Open Court


Deputy Registrar (J)

To

1. Shri D.C. Mishra,
sk General Manager, S.C. Rly, Secunderabad.
2. One copy to Mr. G. Vedanta Rao, Advocate
Advocates Association, High Court of A.P. Hyd.
3. One copy to Mr. D. Gopal Rao, SC for Rlys, CAT, Hyd.
4. One spare copy.

pvm.

