

(116)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No.72 of 1990

Date of decision: 11-12-1991.

Between

Y.Thippanna

... APPLICANT

A N D

1. The Chief Personnel Officer,
South Central Railway, Secunderabad.

2. The Divisional Railway Manager,
South Central Railway, Guntakal.

... RESPONDENTS

Appearance:

For the applicant : Mr. P.Krishna Reddy, Advocate (N.P)

For the Respondents : Shri N.V.Ramana, ~~Adv.~~ CGSC for Rlys

CORAM

The Hon'ble Shri R.Balasubramanian, Member (Admn.)

The Hon'ble Shri T.Chandrasekhara Reddy, Member (Judicial)

J U D G M E N T

(OF THE BENCH DELIVERED BY THE HON'BLE SHRI R.BALASUBRAMANIAN,
MEMBER (A)).

This Application filed by Shri Y.Thippanna
against the Chief Personnel Officer, South Central Railway,
Secunderabad and another under Section 19 of the Administra-
tive Tribunals Act, 1985, seeks a direction ~~setting~~haside
the impugned order No.G/P.227/VIII/YT/109/87 dt.14/21-2-89.

contd...2.

To

1. The Chief Personnel Officer,
S.C.Railway, Secunderabad.
2. The Divisional Railway Manager,
S.C.Railway, Guntakal.
3. One copy to Mr. P.Krishna Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
5. One spare copy.

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25/10/11

(112)

compulsorily retiring him from the post of Chief Clerk. The applicant is aggrieved with the order of compulsory retirement against which he made representations. Finding no success, he has filed this application. The Respondents have filed a counter affidavit and opposed the application.

2. The counsel for the applicant was not present at the hearing. The case was still heard with the counsel for the Respondents and on examination it is seen from ground (j) at page-9 of the Reply, that the copy of the Enquiry Report was not served on the applicant before passing the final punishment order. The Respondents contend that it is not necessary to furnish a copy of the enquiry report. We do not agree with this contention in the light of the law laid down by the Hon'ble Supreme Court in the case of Union of India Vs. Ramzan Khan. Hence we quash the impugned order of compulsory retirement. This, however, will not preclude the Respondents from supplying a copy of the enquiry report to the applicant (if not already given) and give him an opportunity to make his representation and proceeding to complete the disciplinary proceedings from that stage. The application is allowed to the extent indicated above but in the circumstances we make no order as to costs. If the respondents choose to continue the disciplinary proceedings and complete the same, the manner as to how the period spent in the proceedings should be treated would depend upon the ultimate result. Nothing said herein, would affect the decision of the Disciplinary Authority. At the same time, we hasten to add, that this order of the Tribunal is not a direction to necessarily continue the disciplinary proceeding. This is entirely left to the discretion of the Disciplinary Authority.

R.Balasubramanian
(R.Balasubramanian)
Member (A)

T.C. Chandrasekhar Reddy
(T.C. Chandrasekhar Reddy)
Member (J)

mhb/avl.

Dated: 11 day of December, 1991.

Dy. Registrar (J) (209)

② RM
11/10/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.

M(J)

AND

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

AND

THE HON'BLE MR. T. Chandrasekhar Reddy M(J)

DATED: 11 - 12 - 1991

ORDER/ JUDGMENT: ✓

M.A./R.A./C.A. NO.

in

O.A. No.

72/90 ✓

T. No.

(W.P. No.)

Admitted and Interim directions
Issued.

Allowd.

Disposed of with directions

DESPATCH

Dismissed.

Dismissed as withdrawn

HYDERABAD BENCH.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs. ✓



12/12/91
28/12/91