

24

3

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. <sup>337</sup> 337/91  
T.A.No.

Date of Decision : 4-4-1991.

Petitioner

Advocate for the  
petitioner (s)

Versus

Respondent.

Advocate for the  
Respondent (s)

CORAM :

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *no*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgment? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

*BNJ*  
(BNJ)  
VC

*JNM*  
(JNM)  
M (J)

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA 337/91.

Date of Order: 4-4-91.

T.Satya Rao

Versus

....Applicant

1. Deputy Controller of Stores,  
S.E.Railway, Karaghpur,  
West Bengal State.
2. Assistant Controller of Stores, (Diesel),  
S.E.Railway, Visakhapatnam.

....Respondents

- - - - -

Counsel for the Applicant : Shri P.B.Vijay Kumar

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

- - - - -

CORAM:

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

THE HON'BLE SHRI J.NARASIMHAMURTHY : MEMBER (J)

(Judgment of the Bench delivered by Hon'ble  
Shri B.N.Jayasimha, Vice-Chairman).

- - - - -

This application is by a retired Officer Superinten-  
dent Gr.II in the office of the Assistant Controller of  
Stores (Diesel) Waltair. He has filed this application  
aggrieved by the inaction of the 1st Respondent in finalising  
the charge sheet No.R/Staff/D & A/TSR/517 dated 25-1-89/  
28-1-89 <sup>and seeks</sup> ~~and~~ <sup>him to</sup> for a direction to finalise the proceedings as per  
law within a time to be stipulated by this Tribunal.

2. The applicant states that he ~~was~~ joined the Railways  
on 3-1-52 as Clerk and retired <sup>as an offce Superintendent Gr II</sup> on Superannuation with effect  
from 31-1-1989. Just 3 days before his retirement, i.e. on

contd...2.

28-1-1989 he was issued with a charge sheet by the 1st Respondent. The charge sheet relates to certain irregularities committed during the year 1983. After the issuance of the charge-sheet he was allowed to retire on Superannuation with effect from 31-1-1989. The applicant submitted his explanation refuting the charges and later an Enquiry Officer ~~has been~~<sup>was</sup> appointed to hold the Departmental Enquiry. The Enquiry was concluded on 13-8-1990 and the applicant also submitted a written brief. Thereafter the Enquiry Officer submitted his report on 26-9-1990 to the 1st Respondent for the purpose of taking decision under Rule-10 of The Railway Servants (Discipline & Appeal) Rules, 1968. The applicant states that the 1st Respondent is required to take a decision within a reasonable time namely three months as per the directions given by the Ministry of Home (Department of Personal) in their O.M.No.39/43/70-Ests (A) dated 8-1-1971. Similar instructions also have been issued by the Railway Board in its letter dated 20-4-1971. In spite of these instructions, the 1st Respondent has not disposed of the disciplinary case pending against the applicant. Hence this application.

2. We have heard Shri P.B.Vijay Kumar, learned counsel for the applicant and Shri Naram Bhaskar Rao, learned standing counsel for Railways. The main

To

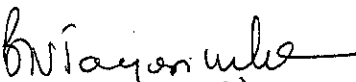
1. The Deputy Controller of Stores,  
S.E.Railway, Karaghpur,  
West Bengal State.
2. The Assistant Controller of Stores, (Diesel),  
S.E.Railway, visakhapatnam.
3. One copy to Mr. P.B.vijaykumar, Advocate  
1-8-7/13, Chikkadapally, Hyderabad.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
5. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
6. One spare copy.


pvm

4532

grievance of the applicant is that even though the enquiry is completed and all the records with the Disciplinary Authority, the Disciplinary Authority has not disposed-of the case. He therefore seeks a directions to the 1st Respondent to take a final decision in the Disciplinary case against him within a reasonable time stipulated by the Tribunal and to settle the retirement benefits together with interest.

3. It is seen that the Disciplinary Proceedings were concluded as long back as on 26-9-90 when the Enquiry Officer submitted his report and despite representations made by the applicant requesting the disciplinary authority to take <sup>a</sup> final decision, the disciplinary authority has not disposed-of the same. In the circumstances, we direct the Disciplinary Authority to dispose of the case within two months from the date of receipt of this order and there-after the applicant's pension and other benefits will also be settled within a period of one month. The application is disposed-of with the above directions. No order as to costs.

  
(B.N. JAYASIMHA)  
Vice-Chairman

  
(J.N. MURTHY)  
Member (J)

Dated: 4th April, 1991.  
Dictated in Open Court.

av1/

  
Deputy Registrar(J)

perp  
u  
TYPED BY

Rmg  
COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: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. NARASIMHA MURTHY: M(J)

AND

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

DATED: 4-4-1991.

ORDER / JUDGMENT.

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

in

T.A. No.

W.P. No.

O.A. No.

337/91

Admitted and Interim directions  
issued.

Allowed.

Disposed of with direction.

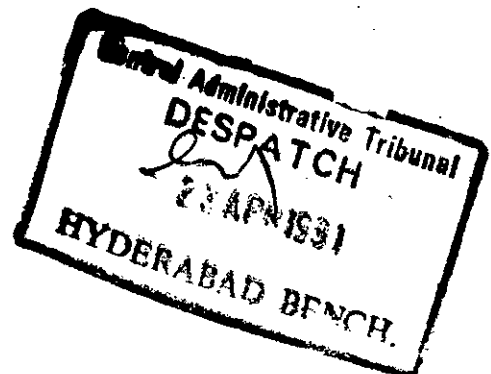
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.



2