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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 42/91.

Dt. of Decision : 8-8-1994.

Mr. P. Saibaba

.. Applicant.

Vs

1. The Assistant Works Manager,
Wagon Workshop, SC Rly,
Guntupalli.
2. The Assistant Works Manager, (I),
Office of the Chief Workshop Manager,
SC Rly, Lallaguda.
3. The Production Manager,
O/o the Chief Workshop Manager,
SC Rly, Lallaguda.
4. The Dy. Chief Mechanical Engineer,
O/o the Chief Workshop Manager,
SC Rly, Lallaguda.
5. The General Manager,
SC Rly, Rail Nilayam,
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. G.V. Subba Rao

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

(76)

O.A.NO.42/91.

JUDGMENT

Dt: 8.8.1994

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.V.Subba Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. While the applicant was working as Fitter in the pay scale of Rs.260-400 (Class-III), a charge memo dated 12.7.1984 in Memo No.GR/P.227/25743/WG/Vig./1, was issued to the applicant by the Asstt. Works Manager (I), Guntupally. During the disciplinary inquiry, the applicant was transferred from Guntupally Workshop to Lallaguda Workshop. The Assistant Works Manager, Lallaguda Workshop passed the order dated 24.8.1987 removing the applicant from service. The applicant preferred an appeal against the said order to the Production Engineer, Lallaguda and the latter passed the order dated 12.10.1987 modifying the removal order to that of reduction to the next lower grade of semi-skilled on a pay of Rs.800/- in the pay scale of Rs.800-1150 for a period of three years with cumulative effect. It was again modified by the order dated 15.10.1987 as reduction to minimum pay of Rs.950/- in pay scale of Rs.950-1500 for a period of five years with cumulative effect. The same is assailed in this OA.

3. One of the contention raised for the applicant is that the Assistant Works Manager is not competent to pass the order of removal as he is the authority lower

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than the appointing authority. It is evident from the Part-H of Establishment Matters published by the South Central Railway that junior scale officer was appointing authority in regard to Class-IV and Class-III and Artisan staff in the grades rising upto Rs.560/-. The Assistant Works Manager is not the appointing authority for those in Group 'C' (Class-III). Thus, there is force in the contention for the applicant that the Assistant Works Manager, Lallaguda was not competent to pass the order removing the applicant from service by way of punishment. In view of the same, the order dated 24.8.1987 as modified by the appellate authority by the order dated 12.10.1987¹⁵⁻¹⁰⁻⁸⁷ and is liable to be set-aside. For the above reasons, there is no need to consider for disposal of this OA in regard to the other contentions raised for the applicant.

4. ^{deprive} It has to be made clear that this order does not deprive the competent authority to dispose of the matter on the basis of the Inquiry Record and the Inquiry Report after communicating a copy of the Inquiry Report to the applicant and after considering his submission, if any, in regard to the same.

5. In the result, the OA is ordered as under:-


The order dated 24.8.1987 of R-2 as modified by R-3 by his order dated 12.10.1987 read with the order dated 15.10.1987 is set-aside and it is open to the

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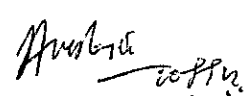
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competent authority to proceed on the basis of the Inquiry Record and the Inquiry Report after communicating a copy of the Inquiry Report to the applicant and after hearing his submission, if any, in regard to the same. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 8th August, 1994.
Open court dictation.


Deputy Registrar(J)CC

vsn

To

1. The Assistant Works Manager,
Wagon Workshop, S.C.Rly, Gutupalli.
2. The Assistant Works Manager(I),
O/o the Chief Workshop Manager, S.C.Rly,
Lallaguda.
3. The Production Manager,
O/o the Chief Workshop Manager, S.C.Rly,
Lallaguda.
4. The Dy.Chief Mechanical Engineer,
O/o the Chief Workshop Manager,
S.C.Rly, Lallaguda.
5. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
6. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
7. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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TYPED BY CHECKED BY
COMPARED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADVN)

DATE: - - 1994

ORDER/JUDGMENT

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

in

O.A.No.

(T.A.No. (W.P.NO)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.