

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

---

O.A. No. 960/91.

Dt. of Decision : 30-9-94.

K.C. Sengottiyen

.. Applicant.

Vs

1. Divisional Railway Manager,  
SC Rly, Vijayawada.
2. Chief Personnel Officer, (D&AR),  
SC Rly, Secunderabad.
3. Union of India rep. by  
its Secretary, Railway Board,  
New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. V.Rama Rao

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

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

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

35

O.A. NO. 960/91.

JUDGMENT

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

Heard Shri V.Rama Rao, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant is working as Assistant Catering Inspector. On 13.5.1986, R-1 issued charge-memo to the applicant. The applicant submitted his explanation to the said charge memo on 26.5.1986. The charge memo dated 13.5.1986 was cancelled by the order dated 21.9.1989 and on the same day, a fresh charge memo was given to the applicant with reference to the allegations covered by the charge memo dated 13.5.1986. The DPC ~~which~~ met on 6.3.1990 considered the applicant fit for promotion but on that basis promotion was not given to the applicant as disciplinary proceedings were pending against him. Being aggrieved, the applicant filed this OA praying for direction to the respondents to give him promotion on the basis of his empanelment ~~on~~ <sup>as</sup> the basis of the recommendations of the DPC as per the proceedings dated 6.3.1990.

3. It is now stated for the applicant that on the basis of the inquiry in pursuance of the charge memo dated 21.9.1989, order was passed in August, 1993 withholding increment of the applicant for one year. It is further stated that the applicant preferred appeal against the said order of punishment.

*V*  
contd...

36

... 3 ...

4. Hence, in view of the material on record, this OA is disposed of with the following order:-

On the basis of the proceedings dated 6.3.1990, the applicant has to be given promotion <sup>expived</sup> from the date on which the period of punishment / expires. It is needless to say that if ultimately the said order of punishment is going to be set-aside, the date <sup>A</sup> promotion has to be advanced to the date on which his immediate junior in the panel as per the proceedings dated 6.3.1990 was promoted with all consequential benefits including monetary benefits and seniority. The appellate authority has to dispose of the appeal expeditiously and preferably by 31.12.1994. No costs. /

(R. RANGARAJAN)  
MEMBER (ADMN.)

(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 30th September, 1994.  
Open court dictation.

*Amber* 5-1094  
Dy. Registrar (Judl)

vsn

Copy to:-

1. Divisional Railway Manager, South Central Railways, Vijayawada.
2. Chief Personnel Officer (D & AR), South Central Railways, Secunderabad.
3. Secretary, Railway Board, Union of India, New Delhi.
4. One copy to Mr. V. Rama Rao, Advocate, 3-6-779, Himayatnagar, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare.

kku.

54.960/1

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(ADAN)

80-994  
DATED: 7-10-1994

ORDER/JUDGMENT

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

C.A. No. 960/19/

(C.L.A. No. )

(W.P. No. )

Admitted and Interim directions  
Issued.

Allowed.

No spare copy

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

