

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 995/92

DATE OF JUDGMENT: 24.2.94

BETWEEN:

G.S.R.Anjaneyulu

.. Applicant

A N D

1. The Senior Divisional Operating Manager, S.C.Railway, Vijayawada.
2. The Divisional Operating Superintendent, South Central Railway, Vijayawada.

.. Respondents.

APPEARANCE:

COUNSEL FOR THE APPLICANT(s):

.. Mr.P.Krishna Reddy

COUNSEL FOR THE RESPONDENTS:

.. Mr.D.Gopal Rao

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

SNR

contd....2

OA 995/92

Judgement dated 24.2.94

1 AS PER JUSTICE SHRI V. NEELADRI RAO, VICE-CHAIRMAN

Heard Shri P. Krishna Reddy, learned counsel for the applicant and also Shri D. Gopal Rao, learned standing counsel for the respondents.

2. The applicant is working as Asst. Station Master. When he was working as Asst. Station Master, Donakonda, charge memo. dated 24/27/1.92 was issued by Respondent 2 (Divl. Operating Superintendent (Chg), Vijayawada. In the statement of imputations, it is stated that the applicant who performed night duty as Asst. Stationmaster on 17.1.92, deserted the post and left by No. ~~262 passenger after blocking section without giving line clear to No. 221 passenger which was waiting at the nearby station (KCD) resulting in detention of 221 passenger by 15 minutes.~~ ^{after 262 passenger left the station} It happened at about 7.45 a.m. on 18.1.92 as can be seen from the explanation of the applicant.

3. After initiating minor penalty proceedings, Respondent 2 imposed the punishment of reduction of pay of the applicant by 3 stages for a period of 2 years without cumulative effect as ~~can be evident~~ seen from the memo. dated 29.7.92. The appeal thereon was dismissed by Respondent 1 by order dated 16.10.92. The relevant portion of the order of appellate authority reads as under:

"I don't find any reason to reduce the punishment. In the appeal no new points were brought out. I agree with DOS/chgs decision.

2-10
The appeal is disposed of

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Hence the penalty of reducing his pay by three stages for a period of two years (N.R) imposed by D0M/Chg/BZA stands good."

4. The same is assailed in this OA.

5. The two fold contentions for the applicant are:

(1) The punishment of reducing pay by three stages cannot be imposed by way of minor penalty.

(2) The order of the appellate authority is not a speaking order.

6. Rule 6 (3) (d) was incorporated in the Railway Services D&A Rules ~~MAX~~ rules by notification dated 16.11.90 and it is to the following effect.

" Reduction to a lower stage in the time scale of pay for a period not exceeding 3 years without cumulative effect will not adversely affect the pension."

7. Thus the above punishment was incorporated as a minor penalty with effect from 16.11.90. It is not the case of the applicant that the punishment imposed on him as per memo. dated 24/29.7.92 affects his pension. The reduction is only by three stages without cumulative effect. Hence the contention that the said punishment cannot be imposed by way of minor penalty is not tenable.

8. It is true that the order of the appellate authority is not a speaking order. But it is not a case where complicated questions of facts or law are involved. In view of the desertion of the

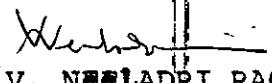
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applicant after blocking the section and without giving line clear to the passenger train, it has become necessary to detain passenger train at a nearby station in the morning at about 7.45. When the passengers were anxious to reach the destination as early as possible, they would naturally suffer because of the conduct of the applicant. Further, the detention of a passenger train at a way side small station naturally irks the passengers for they could not even think of purchasing eatables or having coffee etc. which they feel like having at that hour. To say the least, the conduct of applicant was callous.

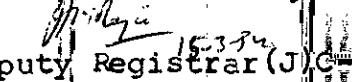
8. It is well settled that even if the irregularity or illegality as contended is established the Court/Tribunal is not bound to grant the relief ^{when} prayed for, the power which the Tribunal/Court ^{executes from} is exercising under article 226 and it can decline relief if the situation so warrants. We feel ^{that} this is not a case where there is an irregularity as referred to in the order of the appellate authority. ^{still} It is not a case where the matter is to be remitted to the appellate authority.

9. In the result, the OA is dismissed. No costs.


(R. RANGARAJAN)
Member (Admn.)

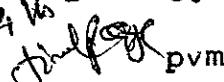

(V. NEELADRI RAO)
Vice-Chairman

(Open court dictation)


Deputy Registrar (J) G

To NS

1. The Senior Divisional Operating Manager, S.C.Rly, vijayawada.
2. The Divisional Operating Superintendent, S.C.Rly, vijayawada.
3. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd
4. One copy to Mr.D.Gopal Rao SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.


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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE M.R.A. B.GORTHI : MEMBER (A)

AND

THE HON'BLE M.R.T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 24-2-1994.

ORDER/JUDGMENT:

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

in

O.A.No. 995/92

T.A.No.

(W.F.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No Order as to costs.

pvm

