

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA No.150/92.

Dt. of Order: 27-2-92.

R.Ramesh Kumar

....Applicant

Vs.

1. The Chief Workshop Manager,  
Loco & Carriage Workshop,  
SC Railway, Lallaguda, Secunderabad-17.

2. Railways, Secunderabad. ....Respondents

Counsel for the Applicant : M/s P.Devakar &  
Y.Vijay Kumar

Counsel for the Respondents : Sri V.Bhimanna  
CORAM:

THE HON'BLE SRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Division Bench dictated by  
Hon'ble Sri T.C.Reddy, Member (J) ).

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This application is filed under section 19 of the  
A.T.Act, 1985 by the applicant herein to declare the order  
of suspension passed by the Respondents on 12-12-91 as null  
and void and to direct the Respondents to allow the applicant  
to join to duty.

2. The ~~facts~~ giving rise to this application are as follows :-

The applicant at the relevant time was working as  
Kalasi in the Mill Wright Shop of the Respondents. He was  
arrested by the Railway Protection Force ~~for~~ <sup>of</sup> an alleged offence  
under section 3(a) of the Railway Properties Unlawfull Possession  
Act on 4-10-91 and was produced before the Magistrate  
on 5-10-91. The applicant seems to have obtained bail  
orders in his favour from the Magistrate, who had remanded  
him <sup>on 5-10-91</sup> to the <sup>Magistrate</sup> for trial.

him to the Judicial custody. Ultimately, the applicant had been released from custody on 7.10.92.

3. The applicant had been kept under suspension by an order dated 11.10.91 as he had been under detention for more than 48 hours. The said order of the suspension dated 11.10.91 is questioned in this application. Straightaway, we may refer to Rule 5(2)(a) of the Railway Servants Discipline & Appeal Rules 1968, which reads as follows:

"A Railway servant shall be deemed to have been placed under suspension by an order of the competent authority:

(a) with effect from the date of his detention if he is detained in custody, whether on a criminal charge or otherwise, for a period of exceeding forty-eight hours."

Admittedly, in this case, right from the time of arrest till the applicant had been released from custody, <sup>he</sup> had been under detention for more than 48 hrs.. Hence, we do not see any illegality on the part of the respondents in keeping the applicant under suspension under Rule 5(2)(a) of Railway Servants Discipline & Appeal Rules, 1968.

4. Sri Vijay Kumar, learned Counsel for the applicant vehemently contends as the applicant had obtained the said bail orders in his favour on 5.10.91 i.e. before 48 hours after his arrest that subsequent detention of the applicant in the jail is not legal and in view of this position that this Tribunal had to interfere and hold that the applicant was under unlawful detention and so the suspension order was liable to be quashed. We are not able to agree

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with the contention of the learned counsel for the applicant in view of the Rule 5(2)(a) of Railway Servants Discipline & Appeals which specifically states, if the detention is for more than 48 hours, the government shall be servant deemed to have been kept under suspension by an order of the competent authority. So we see no merit in this O.A. Hence the Original Application is summarily rejected under the provisions of 15(3) of R.A.T. Act, 1985.

*R.Balasubramanian*

(R.BALASUBRAMANIAN)  
Member (A)

*T.Chandrasekhar Reddy*  
(T.CHANDRASEKHAR REDDY)  
Member (J)

Dated: 27th February, 1992.

Dictated in Open Court.

Deputy Registrar (J)

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To

1. The Chief Workshop Manager,  
Loco & Carriage Workshop,  
S.C.Rly, Lallaguda, Secunderabad
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. One copy to Mr.P.Devakar, Advocate  
24/27, Shivapuri, Malkajgiri, Hyderabad.
4. One copy to Mr. v.Bhimanna, SC for Rlys, CAT.Hyd.
5. One spare copy.

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TYPED BY *DS*  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.  
THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)  
AND  
THE HON'BLE MR.T.CHANDRASEKHAR REDDY:  
M(JUDL)  
AND  
THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

DATED: 27-2-1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.N.

in  
O.A.Nc. 150/92

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

Admitted and interim directions  
issued.

Allowed

Disposed of with directions.

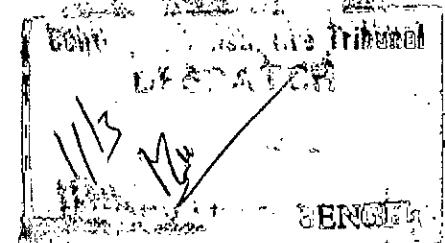
Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.



8