

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.683/92

Date of Order: 13.8.1992

BETWEEN:

Manikya Rao

.. Applicant.

A N D

1. South Central Railway,
rep. by its General Manager,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway,
Vijayawada.
3. The Senior Divisional
Operations Superintendent,
Vijayawada.
4. Divisional Safety Officer,
South Central Railways,
Vijayawada Division,
Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Naveen Rao
for
Mr.Y.Suryanarayana

Counsel for the respondents

.. Mr.N.Rajeswara Rao
for
Mr.D.Gopal Rao

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).

T. C. R.

5/10/92

...2..

This is an application filed under Section 19 of the Administrative Tribunals Act to stay the eviction of the applicant from the quarters which is under his occupation, pending disposal of the appeal of the applicant dated 27.5.1992 filed before the second respondent and further to direct the respondents to collect from the applicant, the standard rent w.e.f 1.6.1992 and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief are as follows:

3. The applicant was working as Assistant Station Master at Guntur Railway Station during the year, 1979. On 14.8.1979, an accident occurred between two Goods Trains at the Guntur Railway Station resulting in the death of 4 persons including 2 drivers and firemen. The Railways are also said to have sustained damage to their property in the said accident. Disciplinary Proceedings were initiated as against the applicant herein for being allegedly responsible for the said accident. A regular enquiry had been conducted by an Enquiry Officer. the Enquiry Officer submitted his report to the disciplinary authority. The disciplinary authority as per its order dated 14.5.1992 had removed the applicant from service. As against the said orders of removal passed by the disciplinary authority, the applicant had preferred an appeal before the second respondent on 27.5.1992, and the said appeal is pending before the second respondent. As the applicant had been removed from service, the respondents have taken steps to evict the applicant from the quarters in which the applicant is in occupation from the period ~~while~~ he was in service and also, during the pendency of

T. C. R.

22/6/77

: 4 :

Copy to:-

1. General Manager, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, South Central Railway Vijayawada.
3. The Senior Divisional Operations Superintendent, Vijayawada.
4. Divisional Safety Officer, South Central Railways, Vijayawada Division, Vijayawada.
5. One copy to Sri. Y.Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. D.Gopal Rao, SC for Railways, CAT, Hyd.
7. One spare copy.

Rsm/-

Handwritten:
Received
per 820
3.14.82

...3...

disciplinary proceedings. So, in view of the steps that are taken by the respondents to evict the applicant from the quarters he is in occupation, the applicant has filed the present CA for the relief as already indicated above.

2. Today, we have heard Mr P.Naveen Rao for Mr Y.Suryanarayana, Advocate for the applicant and Mr. N. Rajeswara Rao for Mr D.Gopal Rao, Standing Counsel for the respondents at the admission stage. Mr N. Rajeswara Rao opposed the OA.

3. It is needless to point out that the appeal preferred by the applicant before the Second respondent, is a continuation of the disciplinary proceeding. The applicant was in possession of the quarters during the pendency of the disciplinary proceeding. So, we are of the opinion that, it would be just, fair and proper to permit the applicant to continue in the said quarter that is in the occupation of the applicant till the disposal of the appeal that ~~was~~ submitted by the applicant to the second respondent.

4. Hence, we direct the respondents not to evict the applicant from the quarters in his occupation until the appeal preferred by the applicant that is pending before the second respondent is decided. The applicant will be entitled to continue in the said quarter on the condition of paying the same rent which he had been paying during the pendency of the disciplinary proceedings. We further direct the respondents not to collect enhanced or penal rent from the applicant, till the disposal of the said appeal. It is needless to point out, if the applicant commits default to pay the said rent that the respondents will be at liberty to take such legal steps as are open to them to evict the applicant from the said quarters. OA is allowed accordingly at the admission stage, with the above directions.

T. Chandrasekhara Reddy.
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated:13th August,1992

sd

(dictated in the open court)

8/18/92

104
8/4/92
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 13/8/ - 1992

ORDER / JUDGMENT

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

in

O.A.No.

683/92

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 orders as to costs.

Central Administrative Tribunal

DESPATCH

17 AUG 1992

HYDERABAD BENCH