

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.834/93

date of decision : 22-7-93

Between

B. Appalanaidu : Applicant

and

1. Senior Divisional Operating Manager  
South Eastern Railway  
Waltair

2. Additional Divisional Railway Manager  
South Eastern Railway  
Waltair : Respondents

Counsel for the applicant : P.B. Vijaya Kumar  
Advocate

Counsel for the respondents : N.R. Devaraj, SC for  
Railways

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri P.B. Vijaya Kumar, learned counsel for the applicant and Sri T. Laxminarayana, for Sri N.R. Devaraj, learned counsel for the respondents.

2. After Departmental inquiry, the impugned order dated 1-7-1993 was passed whereby reduction to lower grade was ordered by way of punishment, <sup>The</sup> applicant preferred appeal dated 10-7-1993. This OA was presented on 19-7-93 under Section <sup>19</sup> 14 of the Administrative Tribunals Act.

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21(1)(b)

Sec. 21(1)(b) of Administrative Tribunals Act lays down that the OA can be presented within one year after the expiry of six months from the date of presentation of the appeal or representation, if it is not disposed of. As the period of six months ~~have~~ <sup>has</sup> not expired, this OA had to be held as premature and accordingly it is dismissed.

3. But it had to be made clear that the dismissal of this OA is not a bar for disposal of ~~this~~ appeal which was already filed by the applicant. As it is represented that another employee, who was involved in this very accident, was awarded minor penalty, <sup>it</sup> is a just case where the appellate authority had to dispose of the appeal as early as possible. The question as to whether the other employee is responsible as contended by the applicant is a matter for consideration in the appeal.

4. In the result, the ~~appeal~~ is dismissed. No costs.

P. J. D.

(P.T. Thiruvengadam)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice-Chairman

Dated : July 22, 93  
Dictated in the Open Court

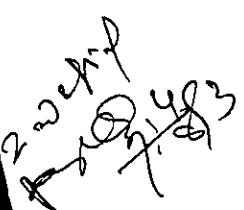
Deputy Registrar (J)



To

1. The Senior Divisional Operating Manager,  
S.E.Railway, Waltair.
2. The Additional Divisional Railway Manager,  
S.E.Railway, Waltair.
3. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.  
sk
4. One copy to Mr.N.R.Devraj, SC for Rlys. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

  
22/7/93

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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 MR. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 22-7-1993

ORDER/JUDGMENT:

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

in  
O.A.No. 834/93  
T.A.No. (W.P.)

Admitted and Interim directions  
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs

Central Administrative Tribunal  
C.E.S.R.A.T.C.H.  
5 AUG 1993

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