

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

O.A. NO.970/93

Date of Decision: 18.11.1996

BETWEEN:

V.N. Heldt

.. Applicant

AND

1. The Divisional Engineer(Construction)/1
South Central Railway, DRM/SC-compound
Secunderabad.
2. The Deputy Chief Engineer(Construction)/
Central, South Central Railway, DRM/SC
compound, Secunderabad-500071.
3. The Chief Administrative Officer
(Construction)
S.C. Railway, DRM/SC compound,
Secunderabad - 500 371.

.. Respondents

Counsel for the applicant: Shri G.V. Subba Rao

Counsel for the respondents: Shri N.V. Ramana

CORAM

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

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

JUDGEMENT

(Oral order per Hon'ble Shri R. Rangarajan: Member (ADMN.))

The applicant who is a PWI Gr.II was awarded the penalty of stoppage of one set of privilege pass for the year 1991-92 vide memorandum No.CE(C)/R/179 Dt.24.7.92. Against this punishment order he had filed an appeal to R-3 by his representation Dt.14.9.92 (Page 16 of the OA). It is stated that this appeal is still pending.

The applicant by another memorandum No.CE(C)/R/180 Dt.24.7.92 was awarded the penalty of stoppage of increments for a period of 3 months due to him on 1.1.93 by R-2. On his appeal

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against this order, R-3 has issued a show cause notice vide Memorandum No.CE(C)/R/179 Dt.30.10.92 (Page 12 of the OA) for enhancing the penalty of stoppage of increments from 3 months to 6 months. Thus R-3 who is contemplating the enhancement of punishment has become the disciplinary authority in this case. It is stated that the applicant had filed a representation against enhancing the penalty. It was further stated for the respondents that the R-3 had confirmed the penalty of stoppage of increments only for 3 months and has not enhanced the penalty. No appeal has been filed by the applicant against that order of R-3. In view of the above the only direction that can be given is that applicant should now file an appeal to the next higher appellate authority against the orders of R-3 in regard to the stoppage of increment. Even if such an appeal is belated one, the appellate authority should consider that appeal in accordance with the rules and pass an appropriate order.

In view of what is stated above the following directions are given:-

(i) The appeal of the applicant Dt.14.9.92 against the stoppage of one set of privilege pass for the year 1991-92 awarded to him in terms of memorandum No.CE(C)/R/179 Dt.24.7.92 should be disposed of by R-3 within 3 months from the date of receipt of this order.

(ii) The applicant should now submit an appeal against the orders of R-3 awarding him stoppage of increments for 3 months to the next appellate authority within a period of one month from the date of receipt of copy of this order. If such an appeal is received by the appellate authority that authority should waive

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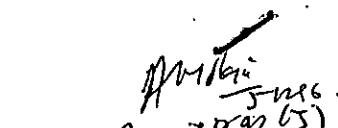
the period if any in regard to submission of the appeal and consider the appeal of the applicant in accordance with the rules and pass appropriate orders on that appeal in accordance with the rules within a period of 3 months from the date of receipt of that appeal.

The OA is disposed of in the above terms. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 18TH NOVEMBER 1996
Dictated in the open court


Dy. Registrar (S)

KSM

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MA 970/93

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

Hon Mo. B.S. Jai prakashwar 02/13

DATED: 18/11/91

ORDER/JUDGEMENT
R.A./C.P./M.A. NO.

O.A. NO.

in
975/43

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
इशारा/DESPATCH
16 DEC 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH