

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1326/93

Date of Order: 6-12-96

BETWEEN:

N.Vinay Kumar

.. Applicant.

AND

1. General Manager,  
S.C.Rly., Secunderabad.
2. Additional Divisional Railway  
Manager, S.C.Rly., Vijayawada,  
Krishna Dist.
3. Senior Divisional Operating Supdt.  
S.C.Rly., Vijayawada, Krishna Dt.

.. Respondents.

Counsel for the Applicant

.. Mr.V.Krishna Rao

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

CORAM:

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

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

J U D G E M E N T

(( Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

None for the applicant. / <sup>Heard</sup> Mr.Krishna Mohan for Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

2. The applicant in this OA while working as Goods Guard at Rajahmundry was issued with a charge memo No.B/P.227/VI/89/3 dt. 2.2.89 in Standard Form No.5 by R-3 alleging that the applicant committed serious misconduct and behaved in a manner unbecoming of a railway servant in that on 23.1.89 he assaulted one Sri B.Jayaseelu, L.R.Hamal, Rajahmundry with the chair of ASM causing head injury to him. After following the rules and holding an enquiry the applicant was punished with the reduction in the

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scale of pay by three stages w.e.f. 11.3.90 for a period of five years in terms of order No.B/P-227/VI/69/3 dt. 28.2.90. He appealed against the same to R-2 who confirmed the penalty by his order No. B/P.94/VI/90/30, dt. 12.6.90 (P-4 of the OA). In the meantime the Government Railway Police had also filed a charge sheet under Section 332 of I.P.C. in the Court of Metropolitan Magistrate for Railways at Waltair <sup>for the same charge</sup> and the trial commenced on 26.4.92. The trial ended with the acquittal of the applicant in case No.122/90 decided on 3.4.92. Thereafter the applicant filed a revision petition to R-1 which can be seen at page-6 of the OA. R-1 disposed of that revision petition by order No. P.94/BZA/NVK/1593, dt. 30.3.93 (P-8 of the OA). The revision petition was dismissed as time barred. This <sup>order on the</sup> revision petition does not disclose that R-1 had gone through the findings and the orders of the VIth Metropolitan Magistrate for Railways Rajahmundry in C.C.No.122/90. <sup>disposed of</sup> The revision order was ~~given~~ mechanically on technical <sup>basis</sup> without any reason. R-1 should have considered the revision petition in the light of the judgement of the VI th Metropolitan Magistrate <sup>Court</sup> of Rajahmundry and also taking into other factors in this case and issue an order on that basis. But we find that such an exercise was not undertaken by R-1 while disposing of his revision petition dt. August 1992.

3. In view of the above we feel that the revision petition submitted by <sup>the applicant</sup> ~~him~~ needs re-consideration by R-1 in the light of the judgement of the <sup>Court of</sup> VI th Metropolitan Magistrate, Rajahmundry, in C.C.No.122/90 even if that revision petition is time barred.

4. In view of that, ~~view~~ we set aside the order of R-1 No. P.94/BZA/NVK/1593, dt. 30.3.93 and directing him to dispose of the revision petition taking into account the observations made as above.

5. The OA is ordered accordingly. No costs.

( B.S. JAI PRASAD SHARMA )  
Member (Judl.)

( R. RANGARAJAN )  
Member (Admn.)

sd

Dated: 6th December, 1996

D.R.C.

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TYPED BY

CHECKED BY

COMPILED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
M(J)

DATED:

6/12/96

ORDER/JUDGEMENT

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

O.A.NO.

1326/93

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLIED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
देश/DESPATCH

27 DEC 1996

हैदराबाद न्यायपीठ  
HYDERABAD BENCH