

(65)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD  
\*\*\*\*

O.A. 139/93.

Dt. of Decision : 08-1-97.

Phillip Jacob

.. Applicant.

Vs

1. The Union of India, Rep.by the  
General Manager, SC Rly,  
Rail Nilayam, Sec'bad.
2. The Chief Mech. Engineer,  
SC Rly, Rail Nilayam,  
Sec'bad.
3. The Addl.Divl. Railway Manager  
(I) B.G., SC Rly,  
Rail Nilayam, Sec'bad.
4. The Sr. DM.E. (C&W) B.E.,  
SC Rly, Rail Nilayam, Sec'bad.
5. ~~The~~ Sri. T.Selvaraj, Enquiry Officer, .. Respondents,  
C.W.I./H.Qrs. SC Rly, Sec'bad.

Counsel for the applicant : Mr. T. Panduranga Chary

Counsel for the respondents : Mr. K. Siva Reddy, ~~Addl. Secy.~~  
SC for Rlys.

CORAM:

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

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

ORDER

CRAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.T.Panduranga Chary, learned counsel for the applicant and Mr.K.Siva Reddy, learned counsel for the respondents.

2. The applicant,            while working as Fitter Gr-II in SC Railway at Ramagundam,            was incharge of duty in place of one Mr.G.Manmada Rao, on <sup>4189</sup> ~~that~~ certain incident took place and on account of it a charge memo was issued to the applicant alleging that the applicant abused and beat Mr.N.Shankaraiah, Khallasi, who was also on duty attending to release of Wagon (Annexure-3).

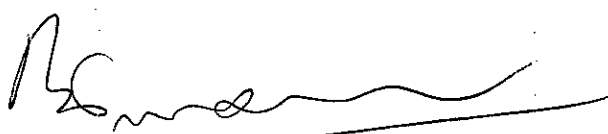
3. With respect to the charge memo ~~was~~ issued to the applicant and enquiry was conducted. After considering the report of the enquiry officer the disciplinary authority by his order No.CM.226/C&W.BG.SC dated 5-4/5-1991 <sup>removed from service.</sup> (Annexure-5). Against the said imposition of penalty of removal, the applicant preferred an appeal to the appellate authority. The appellate authority considering the appeal, by his order ~~No.CM.226/C&W/BG/SC~~ dated 10-02-1992 (Annexure-8) reduced the penalty and imposed the penalty of reduction from CF I in the scale of pay of Rs.1320-2040/- (RSRP) to CF II in the scale of pay of Rs.1200-1800/- (RSRP) and his pay ~~was~~ fixed at Rs.1200/- for a period of one year.


4. Against the order of the appellate authority, the applicant preferred a revision petition dated 29-04-92 to the regional authority. The revision petition <sup>is</sup> ~~was~~ reported to be under the consideration of the respondents. But without waiting for the result of the revision petition he filed this OA on 19-2-93 <sup>for</sup> challenging the order of the disciplinary authority and            appellate authority.

5. The respondents filed counter affidavit supporting the orders passed by the authorities.

6. ~~After hearing~~ the case was argued for some time, the learned counsel for the applicant submitted that he is withdrawing this OA. But he ~~s~~ requested liberty to approach the General Manager (R-1 herein) in regard to the treatment of the period when he was away from job. In view of the above submission, ~~of~~ the applicant is allowed to withdraw this OA. The applicant, if so advised, may file a representation to the General Manager in regard to ~~the~~ his grievance of treatment of the intervening period when he was away from the railway service which is treated as leave due to him by the revision authority. If the applicant is going to be aggrieved by the reply to be given by the representation to the General Manager he may resort to such action as provided for in law.

7. The OA is ordered accordingly. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)  
8/1/97

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 8th January 1997.  
(Dictated in the Open Court)

  
Dy. Registrar (3)

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## Copy to:-

1. The General Manager, Union of India, S.C.Rly, Railnilayam, Secunderabad.
2. The Chief Mech. Engineer, S.C.Rly, Rail Nilayam, Sec'bad.
3. The Addl. Divl. Railway Manager(I) B.G.S.C.Rly, Railnilayam, Secunderabad.
4. The Sr. D.M.E.(C&W) B.E., S.E.Railway, Railnilayam, Sec'bad.
5. One copy to Sri. T.Panduranga Chary, advocate, CAT, Hyd.
6. One copy to Sri. K.Siva Reddy, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One copy to Hon'ble Mr. B.S.Jai Parameshwar, J.M, CAT, Hyd.
9. One spare copy.

Rsm/-

3/2/97

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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

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

AND

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

DATED: 21/1/97

~~Order/Judgement~~  
~~R.P./C.P./M.A.NO.~~

O.A.NO.

1A

139/93

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~  
~~DISMISSED~~

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

