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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1435/93.

Dt. of Decision : 8-8-94.

Mr. L. Chandrasekhara Rao

.. Applicant.

Vs

1. Sr.Divisional Personnel Officer,
SC Rly, Vijayawada.

2. Sr.Divisional Engineer Co-ordination,
SC Rly, Vijayawada.

.. Respondents.

Counsel for the Applicant : Mr. P. Krishna Reddy

Counsel for the Respondents : Mr. G.S. Sanghi, SC for Rlys.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

25/11/94

O.A.No.1435/93

O R D E R

{ As per the Hon'ble Sri A.V.Haridasan, Member(J) }

The grievance of the applicant is that his salary in the scale of Rs.2000-3200 was reviewed to Rs.2450/- from Rs.2675/- w.e.f. 21-2-93. The applicant was served with a Memo. of Charge for imposition of minor penalty on 7-12-92 which he submitted an explanation on 21-12-92. His case is that he was not informed that what decision was taken but he was surprised to find his pay was abruptly reduced without any order to that effect. Under the circumstances, the applicant has prayed that the respondents may be directed to restore his pay to Rs.2675/- in the scale of Rs.2000-3200 w.e.f. 21-12-92 with arrears upto date.

2. The respondents in their reply have contended that the reduction in the pay of the applicant was the result of a penalty order passed by the competent authority and communicated to the applicant through a Khalasi deputed by him for receiving communication on his behalf. The respondents contend that in the light of this decision, the applicant is not entitled to the relief prayed for.

3. When the application came up for final hearing, we heard the counsel for the parties. Sri Krishna Reddy, counsel for the applicant submits that the punishment order has not been received by the applicant though it might have been received on his behalf by the Khalasi. He prays that a direction may be given to the appellate authority to review and consider the appeal made by the applicant condoning the

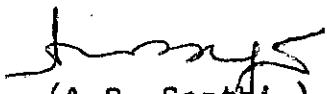
delay in filing the appeal as the delay was caused for the reason that he did not receive a copy of the punishment order. This prayer is not opposed by the respondents.

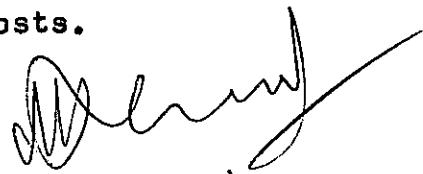
4. In the result, the application is disposed of with the following directions:

(a) The applicant may within ten days after receipt of this order, appeal to the competent appellate authority against the order of penalty by which his pay was reduced from Rs.2675/- to Rs.2450/-.

(b) The competent appellate authority shall consider and dispose of the appeal on merits condoning the delay in submitting the appeal by the applicant within a period of two months from the date of receipt of the Memo. of Appeal.

5. There is no order as to costs.


(A.B. Gorthi)
Member (A)


(A.V. Haridasan)
Member (J)

Dt. 8-8-1994
Dictated in Open Court


Dy. Registrar (Judl)

Copy to:-

- kmv
1. Senior Divisional Personnel Officer, South Central Railways, Vijayawada.
 2. Senior Divisional Engineer Co-ordination, South Central Railways, Vijayawada.
 3. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
 4. One copy to Mr. G.S. Sanghi, S.C. for Railways, CAT, Hyderabad.
 5. One copy to Library, CAT, Hyderabad.
 6. One spare.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. V. HARIDASAN: MEMBER (J) ✓

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A) ✓

Dated: 8-8-94 ✓

ORDER/JUDGMENT. ✓

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

C.A.NO. 1435/93 ✓
T.A.NO. in

(W.D.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions. ✓

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs. ✓

