

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

CA 1509/93.

Dt. of Order:6-12-93.

P.B.Joseph

...Applicant

Vs.

1. The Dy.Chief Mechanical Engineer,
Carriage Repair Shop, Tirupathi.
2. The Asst.Works Manager,
Carriage Repair Shop, Tirupathi.
3. The Shop Superintendent,
Paints Shop, Carriage Repair
Shop, Tirupathi.

...Respondents

* * *

Counsel for the Applicant : Shri P.Sridhar Reddy

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys

* * *

CORAM:

THE HON'BLE SHRI R.RANGARAJAN

: MEMBER (ADMN)

* * *

....2.

.. 3 ..

It is rightly contended for the applicant that by reading the impugned order, the criminal offence in respect of which the impugned order of suspension is made, is not known and hence the applicant is not in a position to prefer an appeal. But, we are unable to accede to the contention that in view of the said infirmity, the impugned order has to be held as vitiated and hence has to be quashed. It is ^{not} necessary to issue a show cause notice ~~under the~~ Railway Servants (Discipline and Appeal) Rules. The relevant material on the basis of which the suspension is communicated so as to enable the delinquent employee to prefer an appeal. In fact, ^{it} is submitted for the applicant that he is not yet served with the impugned order of suspension. Shri N.V.Ramana, learned standing counsel for the respondents submitted that he had no instructions as to whether the said order of suspension was communicated to the applicant or not. Any how the order of suspension will come into effect from the date of despatch.

4. There is no need to further elaborate the above point for disposal of this OA. In the circumstances, it is just and proper to direct the 2nd respondent to furnish to the applicant F.I.R. number and the Police Station in which it was registered and a copy of the FIR if available with the 2nd respondent and if not the written information received by him in regard to the said crime on the basis of which the impugned order of suspension

contd....

O.A.NO.1509/93

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri P.Sridhar Reddy, learned counsel for the applicant and Shri N.V.Ramana, learned Standing Counsel for the respondents.

2. The applicant is working as Skilled Grade-III in the Carriage Repair Shop at Tirupathi. This OA is filed whereby the applicant was suspended under Rule 5(1)(c) of the Railway Servants (Discipline & Appeal) Rules, 1968.

3. The relevant para in the impugned order ^{is} as under:-

"Whereas a case against Sri P.B.Joseph, CRS/Tirupathi in respect of a criminal offence is under investigation/inquiry/

Now, therefore, the undersigned (the authority competent to place the Railway servant under suspension in terms of the Schedule I, II and III appended to Railway Servants (Discipline & Appeal) Rules, 1968/an authority mentioned in proviso to Rule 5(1) of the Railway Servants (Discipline & Appeal) Rules 1968, hereby places the said Sri. P.B.Joseph under suspension with immediate effect."

contd....

.. 4 ..

is passed, within oneweek from the date of receipt of this order so as to enable the applicant to prefer an appeal, if so advised against the impugned order of suspension. It is stated for the applicant that the said communication by the 2nd respondent to the applicant can be to his address in Tirupathi.

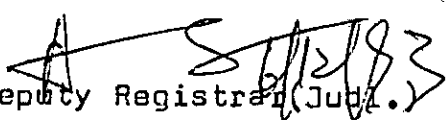
5. The OA is ordered accordingly at the admission stage. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

Open court dictation

vsn


Deputy Registrar (Jud.)

Copy to:-

1. The Dy. Chief Mechanical Engineer, Carriage Repair shop, Tirupathi.
2. The Dy. Chief Mechanical Engineer, Carriage Repair Shop, Tirupathi.
3. The Shop Superintendent, Paints Shop, Carriage Repair Shop, Tirupathi.
4. Smeiter, Lakshmi-ka-pool, Hyd.
5. One copy to Sri. N.V. Ramana, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

nm/-

O.A. 1509/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

Time limit *Car* *(urgent)*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE. YONECHADRIAN

AND

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

AND

MEMBER (J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 6/12/1993

ORDER/JUDGMENT: *—*

~~M.A./R.A/C.A.No.~~

O.A.No.

in
1509/93

~~T.A.No.~~

(W.P.)

Admitted and Interim directions
issued.

— Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

— No order as to costs.

