

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 255/93

Dt. of Decision 23-4-93

Plaintiff

Shri A. Gopalakrishna Murthy Petitioner

Shri Y. Suryanarayana

Advocate for
the petitioner
(s)

Versus

Chief Operating Supdt., Secunderabad Respondent.

Shri D. Gopal Rao

Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. Justice V. Neeladri Rao, Vice-Chairman.

THE HON'BLE MR. Shri P.T. Thiruvengadam, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

ns


HPTT
M(A)


HVNRJ
VC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
HYDERABAD

OA No. 255/93

Date of judgement: 23-4-93.

Between

Shri A. Gopalakrishna Murthy : Applicant

And

1. The Chief Operating Superintendent,
South Central Railway,
Secunderabad-

2. The Divisional Railway Manager,
South Central Railway,
Guntakal.

3. The Divisional Safety officer,
South Central Railway,
Guntakal.

4. Mr. U. Krishna Murthy,
Enquiry officer,
DOS, Goods, Guntakal : Respondents

COUNSEL FOR THE APPLICANT : Shri Y. Suryanarayana

COUNSEL FOR THE RESPONDENTS : Shri D. Gopal Rao

CORAM

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

Hon'ble Shri P.T. Thiruvengadam, Member (Admn.)

(Judgement of the divn. bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman)

Heard Shri Y. Suryanarayana, learned counsel
for the applicant and Shri D. Gopal Rao, learned
counsel for the respondents.

Master at Anantapur in South Central Railway. The
Divisional Safety officer, South Central Railway)

W Respondent 3
Guntakal/initiated disciplinary action against the
applicant by issuing charge memo. dated 21-8-1991.

After enquiry Respondent 3 passed order dated 1-4-92

by compulsorily retiring the applicant from service.

It was confirmed by the Appellate authority, Respondent 2.

Then the Respondent 1 Revisional authority modified the said order by proceedings dated 17-6-92 by ~~reverting~~ and the intervening period the applicant to the lower post. ~~The same is assailed~~ is treated as dies-non. ~~The same is assailed~~ in this OA.

The foremost contention that was raised in this OA is that the applicant is under the administrative control of Divisional Operating Manager and hence the DSO was not having inherent jurisdiction to take disciplinary action against the applicant. The said contention for the applicant is supported by the judgement dated 1-7-92 in OA 941/91 on the file of C.A.T., Madras Bench. We are fully in agreement with the view taken therein. Hence the impugned order is liable to be struck of.

Accordingly, the impugned order dated 17-6-92 and the charge memo. dated 21-8-91 issued by the Respondent 3 are set aside. But this order does not preclude the competent authority to take disciplinary action against the applicant in regard to the alleged misconduct. The OA is ordered accordingly with no costs.

P.T. Thiruvengadam

(P.T. Thiruvengadam)
Member (Admn.)

V. Neeladri Rao

Vice-Chairman

Dated 23rd April, 1993.

827483
Deputy Registrar (J)

To

1. The Chief Operating Superintendent, S.C.Rly, Secunderabad.
2. The Divisional Railway Manager, S.C.Rly, Guntakal.
3. The Divisional Safety Officer, S.C.Rly, Guntakal.
4. Mr. U. Krishna Murthy, Enquiry Officer, DOS, Goods, Guntakal.
5. One copy to Mr. Y. Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr. D. Gopal Rao, SC for Rlys. CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUL) ✓

DATED: 23-4-1993

ORDER/JUDGMENT

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

in

O.A.No. 255/93

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

