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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL;HYDERABAD BENCH
AT HYDERABAD.

OA.No.533/93.

Date of order:24.8.95.

Between:-

Mohd.Afzal

... Applicant.

And

1. Chief Personnel Officer, South Central
Railways, Rail Nilayam,Secunderabad.

2. Superintendent (Printing and Stationary),
South Central Railway, Rail Nilayam,
Secunderabad.

... Respondents.

Counsel for the Applicant: Mr.S.Lakshma Reddy,Advocate.

Counsel for the Respondents: Mr.V.Bhimanna,SC for Rlys.

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER ADMINISTRATIVE.

(21)

O.A.NO.533/93.

JUDGMENT

Dt: 24.8.95

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

Heard Shri S.Lakshma Reddy, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant joined service in the Railways on 1.5.1957. It is stated for the applicant that he was sick from January 1982, ^{he applied for leave,} and when he reported in 1991 after he ~~was~~ recovered, he was informed that he was removed from service from 1.11.1982 for unauthorised absence.
3. The age of the applicant was given as 56 years in the OA which was filed on 16.6.1993. He must have completed 58 years by now.
4. The submission for the applicant is that he could not attend to duties from January 1982 because of the mental disorder. As the applicant had ^{worked for} 24 to 25 years of ~~service~~ and thus more than the minimum period prescribed for eligibility for pension, ^{and as} ~~there is~~ the possibility of the appellate authority modifying the order of ^{the} period from the date of removal till the date on which the applicant completes 58 years as dies-non, cannot be ruled out.

contd....

Copy to:-

1. Chief Personnel Officer, South Central Railways, Rail Nilayam, Secunderabad.
2. Superintendent (Printing & Stationary), South Central Railways, Rail Nilayam, Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT, Hyd.
4. One copy to Mr.V.Bhimanna, Standing Counsel for Railways.
5. One copy to Library, CAT, Hyd.
6. One spare copy.


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5. It is submitted that inspite of the best efforts the record was not traced and hence the respondents could not file reply statement in this OA. In the circumstances, we feel that it is just and proper to pass the following order:-

As the record is not traced, the applicant can prefer appeal to the appellate authority i.e., the Controller of Stores, South Central Railway, in regard to the punishment only. If such an appeal is going to be submitted by Registered Post with Acknowledgment Due, by the end of September 1995 by enclosing copy of this order and if such an appeal is not submitted in the office of the Controller of Stores, South Central Railway by the end of September 1995, the same has to be considered in regard to punishment in accordance with the merits. The said appeal has to be disposed of expeditiously and preferably by the end of December 1995.

6. The OA is ordered accordingly. No costs. //


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAC)
VICE CHAIRMAN

DATED: 24th August, 1995.
Open court dictation.


Dy. Registrar (Jal)

OA 533/93

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 24.8. 1995.

ORDER/JUDGMENT:

M A / D A / C A N

In

OA. No.

533/93

TA. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

No Spare copy

Central Administrative Tribunal
DESPATCH
18 SEP 1995 NSV
HYDERABAD BENCH