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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.749-OF-1994

DATE-OF-ORDER:-28th-April,-1997

BETWEEN:

C.NARAYANA RAO

.. APPLICANT

AND

1. The Divisional Mechanical Engineer (P),
South Central Railway,
Secunderabad Division,
Secunderabad,
2. The Assitant Mechanical Engineer (P),
S.C.Railway, Secunderabad,
3. The Chief Crew Controller (TRS),
S.C.Railway, Bellapalli,
Adilabad District.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.P.KRISHNA REDDY

COUNSEL FOR THE RESPONDENTS: Mr. S. VENAKTESWARA RAO

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

The learned counsel for the applicant, Shri P.Krishna Reddy, was not present. Heard Shri K.Venakteswara Rao as he submitted that he is representing Shri P.Krishna Reddy and request^{ed} for adjournment of the OA. The learned counsel for the applicant submitted that earlier he made a request to summon the records. But, however, from the proceedings ^{it}~~we~~ could not disclose any

Submission
such ~~entry~~ for summoning records. This OA is filed in the year 1994 and further on hearing the counsel for the applicant for some time, we are convinced that the appellate authority has not considered the appeal against the order of removal of the applicant as contemplated in Para 22 under Rule 19 of the Railway Servants (Discipline & Appeal) Rules, 1968 and our disposal does not in any way cause harm to the applicant. Hence we are disposing of the OA declining the request of the learned counsel for the applicant for time. Heard Mr.K.Shiva Reddy, learned standing counsel for the respondents.

2. While the applicant was working as Fireman-A he was served with a major penalty charge memo bearing no. 226/L.1/UA/91 dated 23.8.93 charge, an inquiry was conducted. The Inquiry Officer after concluding the disciplinary proceedings submitted his report to the disciplinary authority. The disciplinary authority by his order No.CM/226/L.1/UA/91 dated 23.8.93 imposed a penalty of removal on the applicant. Against the said order, the applicant preferred an appeal on 26.9.93. *It is submitted that the order of the disciplinary authority is also bad in law. The appellate authority has to consider this aspect also.*

3. The appellate authority by his order No.CM.226/L.1/UA/91 dated 3.12.93 rejected the appeal and confirmed the penalty. The appellate order reads as follows:-

"1. From the file it could be seen that several items S.R. of charged employee to be connected but the SR was not put up since not available.

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2. From the file it was also observed that the employee is regular absentee in the past also.

3. In the employee's explanation, genuine and convincing reasons for his unauthorised absent was not there.

good."

4. Para 22 of rule 19 of the Railway Servants (Discipline & Appeal) rules contemplates consideration of appeal. The appellate authority has not adverted to any of the guidelines enumerated in Para 22 though he observed in his order that he is passing the order in terms of rules 21, 22 (2) of the D&A Rules of 1968. Such an observation in the disposal of the appeal is not found to be correct one. The order of the appellate authority is devoid of reasons. He had not considered whether the Inquiry Officer had followed the principles of natural justice and the evidence placed before him was sufficient to reach the conclusion arrived at by the Inquiry Officer. Therefore, we have left with no alternative except to remit the ^{matter to} ~~order of~~ the appellate authority to consider the appeal dated 26.3.93 in accordance with the guidelines mentioned in para 22 of Rule 19 of the Railway Servants (Discipline & Appeal) Rules, 1968 and decide the same by a speaking and a reasoned order. The appellate authority may also summon the applicant to hear him personally if the applicant so desires. If the applicant is going to be aggrieved by the final order to be passed by the appellate authority in pursuance of the above direction, he is at liberty to take any action in accordance with law.

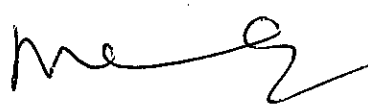
4 (a) The order d. 3.12.93 of the Appellate Authority is therefore set aside. The matter is remitted back to the appellate authority for fresh consideration.

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5. The appellate authority shall decide the appeal within a period of three months from the date of receipt of a copy of this order.

6. With these observations, the OA is disposed of.
No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
28/4/97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: -28th-April, -1997
Dictated in the open court.

vsn


D. R. (J) son.

9/6/97
TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 28/11/92

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

in

O.A.No. 748/94

~~ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS~~

YLKR

II COURT

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where is the signature of M(A) 71

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रेषण/DESPATCH

119 MAY 1997

हैदराबाद बेंच
HYDERABAD BENCH