

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1000/94

Date of Order : 8.7.97

BETWEEN :

C.S.Ranganatha Rao

.. Applicant

AND

1. Sr. Divisional Mechanical Engineer,
S.C.Rly., (C&W)/BG, Sanchalan Bhavan,
Secunderabad.
2. Divisional Mechanical Engineer (C&W)/BG,
S.C.Rly., Sanchalan Bhavan, Secunderabad.
3. Asst. Mechanical Engineer (C&W)/BG,
S.C.Rly., Sanchalan Bhavan,
Secunderabad.

.. Respondents.



Counsel for the Applicant

.. Mr.P.Krishna Reddy

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

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

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

J U D G E M E N T

Xoral order as per Hon'ble Shri B.S. Jai Parameshwar, M(J) X

Heard Mr.P.Krishna Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant herein was working as khalasi helper/SC. While working as such he remained absent from duty for 130 days during the period ^{from} January 1991 to December 1991. Regarding his unauthorised absence for 130 days, the disciplinary proceedings were initiated against him. The enquiry officer concluded the enquiry and submitted his report. A copy of the report was

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furnished to the applicant. The applicant submitted his explanation on 9.2.94. Considering the findings of the enquiry officer and the explanation, the disciplinary authority by his order dt. 25.3.94 imposed the penalty of removal from service. Against the said order the applicant preferred an appeal to the D.R.M. i.e. R-2. R-2 by his order dt. 17.5.94 confirmed the punishment and rejected the appeal. Against the said order the applicant preferred revision application by order dt. 30.5.94. The revisional authority confirmed the punishment of removal imposed on the applicant.

3. The applicant has filed this OA challenging the orders dt. 30.5.94, 17.5.94 and 25.3.94 imposed by R-1, R-2 and R-3.

4. A reply has been filed contenting that the procedure adopted by the enquiry officer in conduct of the enquiry was in accordance with the D&A Rules. The authorities considered the findings recorded by the enquiry officer and passed the order of punishment of dismissal and that there are no grounds to interfere with the said orders.

5. During the course of hearing the learned counsel for the applicant brought to our notice that the appellate authority has not taken into consideration the various grounds urged by him in the memorandum of appeal and the appellate authority has not strictly followed the Rule 22 of the Railway Servants (D&A) Rules 1968. The order of appellate authority dt. 17.5.94 is at page-8 of the material papers of the OA. The appellate authority has ~~not~~ taken into consideration certain facts which are not at all relevant while deciding the appeal thereby creating an impression in the mind of the applicant that the appellate authority was prejudiced in deciding the appeal.

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The appellate authority has not considered whether or not the enquiry was conducted after adhering to the principles of natural justice and ^{the} rules. The appellate authority has not recorded his findings on the various aspects of Rule 22 of D&A Rules. We are of the opinion that the appellate authority has not properly applied his mind to the appeal preferred by the applicant.

6. Hence we feel it proper to set aside the orders dt. 17.5.94 and 30.5.94 passed by the respondents 2 and ¹/₄ and remit back to the appellate authority to consider the appeal filed by the applicant afresh in accordance with the Rule 22 of Railway Servant D&A Rules 1968. If the applicant requests for a personal ^{also} hearing the same may ^{also} be given to the applicant. During the personal hearing if he submits any additional points for consideration the same may also be taken on record while disposing the appeal.

7. The OA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Dusht Ram

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH