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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

O.A. NO.853 of 1994.

Dated Hyderabad the 8th July, 1997.

Between.

K. Sundaraiah, S/o K. Narasaiah
aged about 54 years,
Ex. Driver, S.C. Railway,
Kazipet, Warangal District.

..... Applicant

A n d

1. Additional General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.

2. Chief Operations Manager,
South Central Railway,
Headquarters office,
Personnel Branch,
Sanchalan Bhavan,
Secunderabad.

South Central Railway,
Secunderabad Division,
Sanchalan Bhavan,
Secunderabad.

..... Respondents

For the Applicant ... Mr. P. Krishna Reddy

For the Respondents ... Mr. K. Siva Reddy, SC for Railways.

CORAM :

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

HON'BLE MR.B.S. JAI PARAMESWAR, MEMBER (JUDL.)

ORDER (ORAL)

R. RANGARAJAN, MEMBER (A).

Heard Mr. P. Krishna Reddy for the applicant and

Mr. K. Siva Reddy for the respondents. The applicant was a driver ⁱⁿ of South Central Railway, in Secunderabad Division. He was issued with a charge sheet for disobedience of orders of the higher officer. After conducting an inquiry, the applicant was imposed with a penalty of reversion to the post of Shunter for a period of three years with cumulative effect and loss of seniority by the disciplinary authority namely, Divisional Railway Manager, respondent No. 3, by

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order dated 20.12.91. Against that order, the applicant filed an appeal to the Chief Operations Manager, respondent No.2 who is the appellate authority. The appellate authority reduced the punishment by modifying the reversion order to the post of Shunter for a period of one year (non-cumulative).

2. This O.A. is filed for setting aside the punishment order of the disciplinary authority dated 20.12.91 and that of the appellate authority dated 20.6.92 and for consequential direction to pay him the arrears of salary, increments, promotion etc.

3. When the O.A. was taken up for hearing, the applicant brought to our notice that the order of the appellate authority was based on surmise and conjecture that the applicant had disobeyed the orders of the A.D.R.M. who had asked the applicant to work ⁱⁿ the train further from SRUR station beyond his duty hours. The punishment was reduced by the appellate authority. But the appellate authority has got no reason to come to the conclusion that the applicant has disobeyed the orders of A.D.R.M. when the Enquiry report is not specific in such a finding. The appellate authority had also come to the conclusion that the administration is not arranging a reliever in time and on further surmise of disobedience of orders of A.D.R.M. he came to the conclusion that the applicant cannot escape the punishment. Hence the order of the appellate authority is liable to be set aside.

If the order of the appellate authority has to be set aside as the appellate authority has come to the conclusion without any authority, then the earlier order of the disciplinary authority imposing a higher punishment will stand which will be disadvantageous.

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to the applicant. Now that the appellate authority has reduced the punishment, we feel that the applicant may not have much grudge with regard to punishment imposed on him. Learned counsel for the applicant appreciated the above analysis and submitted that he has no other reason to set aside the appellate authority's order except the one stated above and submitted that the O.A. be dismissed.

4. In view of the fact that the order of the appellate authority is beneficial to the applicant, we do not like to set aside the order of the appellate authority and in that view of the matter, the O.A. is liable to be dismissed and it is accordingly dismissed. No costs.

B.S. JAI PARAMESHWAR
MEMBER (JUDICIAL)

8/7/97

(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

Dated the 8th July, 1997
Order dictated in the Open Court.

DJ/8797.

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D-R (S) 11/7/97

Copy to:

1. Additional General Manager, South Central Railway, Railnilayam, Secunderabad.
2. Chief Operating Manager, South Central Railway, Headquarters Office, Personnel Branch, Sanchalan Bhavan, Secunderabad.
3. Divisional Railway Manager(BG), South Central Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr.K.Siva Reddy, SC for Railways, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

20/2/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATE:

8/7/97

ORDER/JUDGEMENT

D.A. NO. 853/94

Admitted and Trial and Directions
Issued.

Allied

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLR

II Court

