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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1125 OF 1994

DATE OF ORDER: 25th June, 1997

BETWEEN:

V. VENKATESWARA RAO

.. APPLICANT

AND

1. The Divisional Operating Manager (Movement),
South Central Railway, Vijayawada,
2. The Sr. Divisional Operating Manager,
S.C.Railway,
Vijayawada.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. P. KRISHNA REDDY

COUNSEL FOR THE RESPONDENTS: Mr. J. R. GOPAL RAO, Addl. CGSC.

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.))

Heard Mr. P. Krishna Reddy, learned counsel for the applicant. None for the respondents.

2. The applicant while working as Yard Porter Grade-C was served with a charge memo dated 22.8.91. The charge levelled against the applicant read as under:-

"That the said Sri V. Venkateswara Rao, while functioning as YPC/PRH during 1986 committed serious misconduct and failed

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to maintain absolute integrity and acted in a manner unbecoming of a Railway Servant in that he has committed theft of cash bags Nos.10 and 1, containing an amount of Rs.29,727/- from the cash chest situated in the office of CNC/PRH when CNC/PRH was not available in office during 21.00 hours to 22.30 hours on 09.10.86. Thus, the said Sri Venkateswara Rao violated rule 3(1)(i) and (iii) of Railway Services (Conduct) Rules, 1966."

3. A detailed inquiry was conducted into the said charge and the disciplinary authority by his order dated 10.2.94 (Annexure IV to the OA) accepted the findings of the Inquiry Officer and imposed a penalty of removal from service. Against the said punishment, the applicant preferred an appeal on 22.3.94 (Pages 13 to 15 of the OA). The appellate authority by his proceedings dated 6.6.94 (Annexure I to the OA) considered the grounds and rejected the same. Thus he confirmed the punishment of removal imposed on the applicant.

4. The applicant has filed this OA challenging these orders.

5. A reply has been filed by the respondents stating that the disciplinary proceedings were conducted in accordance with the rules, that a copy of the report of the Inquiry Officer was furnished to the applicant and that while conducting the disciplinary proceedings, the principles of natural justice were adhered to and hence there are no merits in this OA.

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6. During the course of the arguments, the learned counsel for the applicant submitted that the appellate authority in his order dated 6.6.94 had not at all considered the various grounds raised by the applicant in his memo and had not followed the instructions contained in Rule 22 of the Railway Servants (Discipline & Appeal) Rules, 1968.

7. On going through the order passed by the appellate authority, we are convinced that the appellate authority had not considered even a single ground taken by the applicant in his ~~memo~~ ^{rundum} of appeal. The memo of appeal is at Pages 13 to 15 of the OA. The further instructions as given in the above quoted rule were not strictly followed by the appellate authority. Hence we feel it appropriate to send the matter back to the appellate authority with a direction to consider the grounds raised by the applicant against the punishment imposed on him in his ~~memo~~ ^{rundum} of appeal dated 23.3.94 and decide the same by a reasoned order. In case the applicant desires an opportunity of being heard, the appellate authority shall give him an opportunity to do so.

8. Hence we pass the following order:-

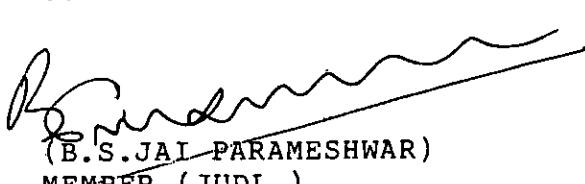
(a) The order dated 6.6.94 passed by the appellate authority (Annexure-I to the OA) is hereby set-aside;

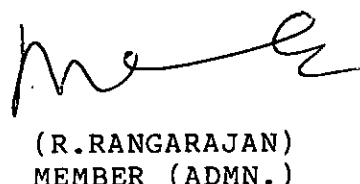
(b) The appellate authority shall consider the appeal afresh and decide the same taking into consideration

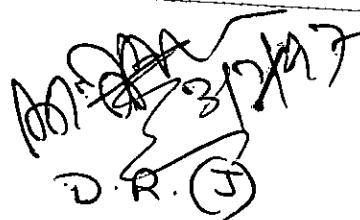
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the various grounds raised by the applicant in his memo of appeal and in this OA. In case the applicant desires an opportunity of being heard, the appellate authority shall consider and give the applicant an opportunity to submit his case in person before him.

9. The OA is ordered accordingly. No order as to costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)


(R.RANGARAJAN)
MEMBER (ADMN.)

25. 
DATED: - 25th-June,-1997
Dictated in the open court.

vsn

28/7/97
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YLR

JURISDICTION

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)

DATED:

25/6/97

ORDER/JUDGEMENT

M.A./R.A./C.A./N.I.

in
U.A. NO. 1125/94

Admission and Interim directions
Issued.

Allied

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLR

II Court.

केंद्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal
प्रिय/DESPATCH

28 JUL 1997

हैदराबाद न्यायालय
HYDERABAD BENCH