

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Dt. of Decision : 3.10.94.

A. 1199/94.

B. Janardhan

.. Applicant.

Vs

1. The Sr. Divl. Mechanical Engineer(P),
Broad Gauge, SC Rly, Sanchalan Bhavan,
Secunderabad.
2. The Divl. Railway Manager,
Broad Gauge, SC Rly, Sanchalan Bhavan,
Secunderabad.
3. The General Manager,
SC Rly, Rail Bhavan,
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. N.Krishna Rao

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI A.B. GORTHY : MEMBER

O.A.NO.1199/94.

Dt: 3.10.94

JUDGMENT

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

Heard Shri N.Krishna Rao, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant was given charge memo dated 21.2.1984 as per Annexure-I (Material paper No.7). On inquiry, the order dated 21.1.1985 was passed imposing penalty of reduction from Driver (C) to Fireman (C) fixing his pay at Rs.210/-, ^{at} bottom of the pay scale of Rs.210-270, then applicable to ^{Fireman} ~~while he was Driver~~ (C). The appeal thereon was dismissed by the order dated 5.9.1985. The same was challenged in W.P.No.10948/85 and the same was transferred to this Tribunal and registered as T.A.No.104/88. It was dismissed for default on 3.8.1989. Then the applicant filed MA 218/92 praying for restoring the TA 104/88 and that MA was also dismissed for default.

3. The applicant filed revision against the order dated 5.9.1988 of the appellate authority, on 17.6.1993. This OA was filed praying for direction to R-2 to consider the revision application dated 17.6.1993.

contd...

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4. It is evident from the facts narrated that the order dated 21.1.1985 of R-1 was merged with the order dated 5.9.1985 of the appellate authority which was again merged with the order dated 3.8.1989 in T.A. No.104/88. There cannot be any revision under Rule 25 of the Railway Servants (Discipline & Appeal) Rules against the order of this Tribunal. Hence, the revision application dated 17.6.1993 filed by the applicant is not maintainable. As such, there is no question of giving any direction to the concerned authority to dispose of the said revision application.

5. It is submitted for the applicant that no further steps were taken in the MA^{21/93} as necessary affidavit could not be obtained from the earlier

and now steps will be taken for getting necessary affidavit either from the said

clerk. It is also submitted that as the applicant was informed by the office of the earlier Advocate that the entire file was misplaced, he may be permitted to move the concerned authority for seeking copies of the relevant

It is needless to say that if such a request is made for the applicant, the same has to be in accordance with law.

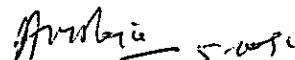
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6. In the circumstances, this OA is dismissed. But this order of dismissal does not debar the applicant to file MA for restoration of the MA 218/92 in TA 104/88 and if such MA is going to be filed, it will be considered on merits including the question of limitation. No costs./


(A.B.GORTHI)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN


DATED: 3rd October, 1994.
Open court dictation.


Deputy Registrar (J) CC

To vsn

1. The Senior Divisional Mechanical Engineer(P)
Broad Gauge, S.C.Rly, Sanchalan Bhavan,
Secunderabad.
2. The Divisional Railway Manager, Broad Gauge,
S.C.Rly, Sanchalan Bhavan, Secunderabad.
3. The General Manager, SC Rly, Railbhavan,
Secunderabad.
4. One copy to Mr.N.Krishna Rao, Advocate F-10 B-7 MIG-II
Baghlingampally Hyderabad.
5. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm


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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

A.B. Gorthi

THE HON'BLE MR. R. RANGARAJAN, MEMBER

DATE. 3-10-1994

ORDER/JUDGMENT

M.A.No./R.A/C.A.No.

O.A.No.

in

1199/94.

(T.A.No.

(W.P.No

Issued.

with directions

Allowed.

no spare copy

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

