

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.1321/94.

Date of decision: 5--8--1997.

Between:

U. Nagabhushana Rao. .. Applicant

and

1. Senior Divisional Commercial
Superintendent, South Eastern
Railway, Visakhapatnam -4

2. Divisional Railway Manager,
South Eastern Railway,
Visakhapatnam.

3. Union of India represented by
its General Manager, South Eastern
Railway, Garden Reach,
Calcutta - 43.

.. Respondents.

Counsel for the applicants: ..

Sri Patrule for
Sri P.B.Vijayakumar.

Counsel for the respondents: ..

Sri N.R.Devaraj, Senior
Standing counsel for the
Respondents.

CORAM:

Hon'ble Sri H.Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri B.S. Jai Parameshwar, Member (J))

Heard Mr. Patrule for Sri P.B.Vijaya Kumar,

the learned counsel for the applicant and Sri N.R.Devaraj

the learned Senior Standing counsel for the respondents.

While the applicant was working as TTE,

Visakhapatnam, he was served with a charge-sheet.

The applicant denied the charges. A detailed enquiry was conducted into the said charges. On 25--11--1992 the Enquiry Officer submitted his report. A copy of the report was furnished to the applicant. The applicant submitted his explanation against the findings recorded by the Enquiry Officer. The Disciplinary Authority after considering the findings of the Enquiry Officer and the explanation offered by the applicant, imposed a penalty of reduction ^{of the applicant} to the lower post of Ticket collector in the scale of Rs.950-1500(Rps) on a pay of Rs.950/- p.m., for a period of two ^{years} ~~months~~ (NCE) with effect from the date of receipt of the punishment Order. Against the said order of punishment dated 31-3-1994, - the applicant submitted a Memorandum of Appeal dated 25--4--1994 to the 2nd Respondent, - the Appellate Authority. The Appellate Authority by its Pros., dated 10-6-1994 confirmed the punishment and rejected the appeal.

The applicant has filed this O.A., challenging the orders dated ~~31~~ 3--3--1994 and 10--6--1994 passed by the Disciplinary Authority and the Appellate Authority respectively. // No counter has been filed in this case. // However, during the course of arguments, the learned counsel for the respondents supported the impugned order.

2

The learned counsel for the applicant urged that this was a case of no evidence, that the amount found in the possession of the applicant was not correctly mentioned, ^{and} that the Appellate Authority had not taken into consideration the various grounds raised by him in the Memorandum of appeal.

After going through the order of Appellate Authority dated 10--6--1994 (Annexure I) we feel that the Appellate Authority has not considered any of the grounds mentioned in the Memorandum of Appeal^a and has also not followed the guide-lines^{issued} under Rule 22(2) of Disciplinary and Appeal Rules¹⁹⁶⁸. The Appellate Order is nothing but the reproduction of the Rule without examining the various contentions raised in the case. Hence, we are constrained to set aside the Order dated 10--6--1994 passed by the Appellate Authority and remit back the case to the Appellate Authority for consideration afresh. The Appellate Authority shall give a personal hearing if the applicant so desires. The Appellate Authority shall decide the appeal within two months from the date of receipt of this Order.

Hence, the O.A., is disposed of with the

De

following directions:

- (a) The Order dated 10--6--1994 passed by the Appellate Authority is hereby set aside.
- (b) The matter is remitted back to the Appellate Authority with a direction to consider the applicant duly taking note of the guidelines issued under Rule 22 of the D & A Rules, of 1968 and also consider the various grounds urged by the applicant in the Memorandum of Appeal dated 24-5-1994 *without looking into the question of limitation if any.*
- (c) The Appellate Authority, shall, if the applicant desires, give personal hearing to the applicant
- (d) The Appellate Authority shall decide the appeal within two months from the date of receipt of a copy of this Order.
- (e) No order as to costs.

The O.A., is disposed of accordingly.

[Signature]
 B.S. JAI PARAMESHWAR
 MEMBER (J) 5/8/97

[Signature]
 R. RANGARAJAN
 MEMBER (A)

Date: 5--8--1997.

Dictated in open Court.

[Signature]
 J. R. (J)

~~11/1/97~~

(8)

TYPED BY
CORRECTED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.V. NAGARAJAN : -M (A)

AND

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

Dated: 5-8-97

ORDER/JUDGEMENT

M.A./R.A./C.A.NO.

in

C.A.NO. 1321/94

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

Central Administrative Tribunal
 11 AUG 1997
 HYDERABAD BENCH