

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1331/94

Date of Order: 5.8.97

BETWEEN :

V.Veeranna

.. Applicant.

AND

1. Senior Divisional Commercial Manager,  
S.E.Rly., Waltair, Visakhapatnam.
2. Divisional Railway Manager,  
S.E.Rly., Waltair, Visakhapatnam.
3. Union of India, rep. by its General  
Manager, S.E.Rly., Garden Reach,  
Calcutta.

.. Respondents

Counsel for the Applicant

.. Mr. P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

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CORAM:

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

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

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J U D G E M E N T

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

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Heard Mr.Patro for Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

2. The applicant herein while working as T.T.E. at Visakhapatnam<sup>was</sup> served with memorandum of charges dt. 17.6.92. The applicant was charged as follows:-

*JK*

ARTICLE - 1

That the said Sri V.Veeranna, TTE/VSKP while performing his duty as TTE by 8690 Dn on 7.4.92 Ex.VSKP - TIG committed grave misconduct in as much as he irregularly collected an amount of Rs.16/- from a W/T passenger and allowed him to travel Ex.Bobbili to Titilagarh and for which he had not issued any E.F.T.

ARTICLE - 2

That the aforesaid Sri V.Veeranna, TTE/VSKP in course of his duty on 7.4.92 in 8690 Dn had an excess amount of Rs.248/- in the personal cash which was detected at the instance of check between PVPT - BGDA.

3. The applicant denied the charges. An enquiry was conducted into the said charges. On 13.4.93 the enquiry officer submitted a report. A copy of the report was furnished to the applicant. The applicant submitted his explanation to the report of the enquiry officer. The disciplinary authority by his proceedings dt. 31.3.94 imposed the penalty of reduction to the lower post of T.T.E. in scale of Rs.1200-2040 (RPS) on pay of Rs.1760/- o.m. for a period of two years (cumulative effect) with effect from the date of receipt of this notice.

4. Against the said order of punishment, the applicant submitted an appeal dt. 17.5.94. A copy of the memo of appeal is at Annexure -2 (Page-10). The appellate authority by his proceedings dt. 10.6.94 (A-1) confirmed the punishment and rejected the appeal.

5. The applicant has filed this OA challenging the orders dt. 31.3.94 and 10.6.94 passed by the <sup>disciplinary</sup> ~~appellate~~ authority and <sup>Appellate</sup> ~~disciplinary~~ authority.

*De*

6. No counter has been filed. <sup>However</sup> ~~Though~~ Sri C.V. Malla Reddy argued this case with the material available on record. The main contention of the applicant is that this is a case of no evidence. The enquiry report had found him guilty in having excess amount of Rs.248/-. That amount was received by him from a friend for purchasing some articles; and that amount was received by him during the journey and not while taking the charge. He has mentioned this in the enquiry report in para-5.10.4 and 6.2 page-4 some remarks in regard to receipt of this has been noted. In the final findings of the enquiry ~~report~~ the enquiry officer concluded that the charge of undeclared amount of Rs.248/- in the personal cash vide Article-2 vide Annexure-1 against the applicant is substantiated. That means the Article-1 has not been substantiated. Hence it is essential that the appellate <sup>authority</sup> should examine this point fully before coming to a decision. We find that the appellate order is short and crisp and the excess amount has been stated to be irregular without examining how the appellate authority came to the conclusion that it is irregular. Further we are also of the opinion that the appellate order does not fully <sup>confirm</sup> to the rule <sup>- 22(2) of the R.S.(D.A.) Rules 1968 -</sup> ~~as provided for in the disciplinary appeal rule of the Railways.~~ Hence we feel that it is a fit case to be remitted back to the appellate authority to re-examine the issue after considering all the points and dispose of his representation. If the applicant requests for a personal hearing the same may also be granted to him.


7. In the result the following direction is given:-

The appellate order dt. 10.6.94 is hereby set aside. The appeal is remitted back to the appellate authority for re-consideration of his earlier order dt. 10.4.94 in the

light of the various contentions raised by the applicant in his appeal as well as on the basis of the observations made in this OA. If the applicant requests for a personal hearing the same may also be granted to him in accordance with the law.

8. With the above directions the OA is disposed of.

No costs.

  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)

S 2.92

  
( R. RANGARAJAN )  
Member (Admn.)

Dated: 5th August, 1997

( Dictated in Open Court )

sd

  
D. R. [Signature]

APP  
11/8/97

(8)

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R.R. GARGAN : - 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.

1331/94

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

