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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.139/94.

Date of the Order ;18-2-1994.

Between :

Y.L.Kantha Rao

.....Applicant

AND

1. Union of India,
represented by The General Manager
South Central Railway,
Secunderabad.
2. Chief Operating Manager,
(Formerly Chief Operating
Superintendent),
South Central Railway,
Secunderabad.
3. The Divisional Railway Manager,
Broad Gauge,
South Central Railway,
Secunderabad.

.....Respondents.

Appearance :

For the Applicant : Mr.K.S.V.Subba Rao, Advocate

For the Respondents : Mr.V.Bhimanna, SC, for Rlys.

CORAM :

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

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER (ADMIN).

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OA 139/94

JUDGMENT

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

Heard Shri KSV Subba Rao, learned counsel for the applicant and Shri V. Bhimanna, learned standing counsel for the respondents.

2. The applicant was removed from service by way of punishment with effect from 23.1.1984. The revisional authority by the order dated 1.12.1992 modified it as compulsory retirement with effect from 14.3.1992. This OA was filed praying for declaration that the applicant is entitled ^{to treat} the period of suspension between 23.1.1984 to 14.3.1992 as the period spent on duty and on that basis the pay of the applicant has to be arrived at as on 14.3.1992 and for a direction for payment of difference in the terminal benefits and also for payment of emoluments for the period from 23.1.1984 to 14.3.1992.

3. When it is a case of modification of the order of removal as compulsory ~~p~~ retirement, it is for the competent authority to pass an order as to how the period from 23.1.1984 the date of removal, till 14.3.1992, the date on which the order of removal was modified as compulsory retirement, *has to be treated.*

4. Hence, the competent authority, i.e., the 3rd respondent is directed to pass an appropriate order in accordance with law in regard to the above period.

5. If on that basis, it is necessary to revise ^{the} pension, the same has to be revised and the difference has

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to be paid. If any emoluments have to be paid for the period referred to as per the above order of the 3rd respondent the same also has to be paid to the applicant. The 3rd respondent has to pass necessary orders within three months from the date of receipt of this order. It is needless to say that if the applicant is aggrieved by the order of the 3rd respondent, he can either go in by way of a revision or approach this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

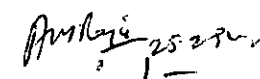
6. The OA is ordered accordingly at the admission stage. No costs.


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


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 18th February, 1994.
Open court dictation.

vsn


Dy. Registrar (T), C.A.T.

To,

1. The General Manager, Union of India,
S.C.Rly, Secunderabad.
2. The Chief Operating Manager,
SC.Rlys, Secunderabad,
3. The Divisional Railway Manager, (B.G.),
South Central Railway, Secunderabad.
4. One Copy to Mr. KSV. Subba Rao, Advocate
5. One Copy to Mr. V. Bhimanna, S.C. For Rlys.
6. One Copy to Library, C.A.T., Hyderabad.
7. One Spare Copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

~~THE HON'BLE MR. T. CHANDRASEKHAR REDDY~~
~~MEMBER (JUDL)~~

AND

~~THE HON'BLE MR. R. RANGARAJAN : MEMBER~~
~~(ADMN)~~

Dated: 18-2-1994.

ORDER/JUDGMENT:

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

in

O.A. No.

T.A. No.

139/94.

(W.P. No.)

~~Admitted and Interim Directions~~
~~issued.~~

Allowed.

Disposed of with directions.

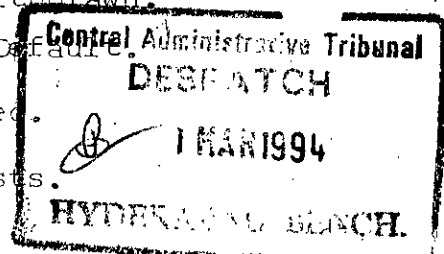
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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