

* * * * *

Dt. of Decision : 08-09-97.

.. Applicant.

2. The Addl.Divl.Railway Manager,
Broad Guage, SC Rly, Sec'bad..

.. Respondents.

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

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

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

* * * * *

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

2. The applicant who was working as Travel ^{entry} Ticket Examiner was issued with a chargesheet under Rule 11 of RS(D&A) Rules 1966 bearing No.C/C/568/P/203/94 dated 25-6-94 (Annexure-IV). The imputation of misconduct or misbehaviour shown in the chargesheet reads as below:-

"Station of imputations of misconduct or misbehaviour.
Carelessness and neglect of duty in the Sri T. Trinath TTI/SC while working as COR of AC 2 Tier coaches by Train No. 1019 of 3-6-94 has behaved indecently and impolitely with Sri in the AC 2 Tier coach.

His above act has invited adverse comments from the said Railway Officer.

Thus, he failed to maintain devotion to duty and contravened Rule No.3(I(ii)(iii)) of RS (Conduct) Rules, 1966."

18

He was punished by with-holding the increment from Rs.1900-1950/-^K in the scale of Rs.1600-2660/- due on 1-12-94 for a period of two years without the effect of postponing his future increments. The applicant submitted an appeal to R-2 by his appeal dated 19-09-94 (Annexure-II). That was disposed of by the impugned order NO.C/C/568/P/203/94 dated 30-9-94. The appeal was considered by R-2 and he made the following observations:-

"I have gone through the case and his appeal. No fresh issue has been brought out. (F-1 Officers complaint) Shri Agarwal is loud and clear, under the circumstances I decide not to modify/set aside the punishment already awarded."

3. This OA is filed for setting aside the impugned order No.C/C/568/P/203/74 dated 1-8-94 (Annexure-I) of R-1 and the appellate authority order No.C/C/568/P/203/94 dated 30-9-94/4-10-94 of R-2 and for a consequential direction to pay him the arrears due to the withdrawal of the increment.

show us the reply addressed to R-1 viz., disciplinary authority for the chargesheet, the learned counsel for the applicant could not produce the same. However we have gone through his appeal addressed to R-2 and also the appellate order. In the appellate order it is stated that "Shri Agarwal is loud and clear, under the circumstances I decide not to modify/set aside the punishment already awarded". When we questioned the learned counsel for the applicant whether the applicant was given a copy of the complaint given by Shri Agarwal, the learned counsel submitted that no copy was given to him. In the absence of availability of the complaint from Shri Agarwal we are not able to come to the conclusion that the applicant was given an opportunity to explain the complaints made by Shri Agarwal. In the ^{view of the} ~~absence of that~~

Je

1

19

the appellate authority

decide the issue in this following the principles & nature of justice
statement of the appellate authority as extracted above, cannot ~~be~~
~~taken for granted~~. In that view we feel that the appellate order

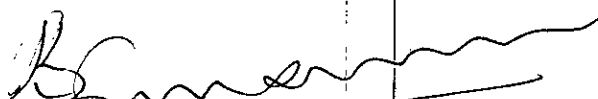
dated 30-09-94 has to be set aside and the applicant should be
given a copy of the complaint received from Mr. Agarwal and he
should be permitted to file an appeal after perusing the copy of

received, R-2 should dispose it of in accordance with rules. We
feel that the above direction will meet the ends of justice.

5. In the result, the following direction is given:-

30-09-94 (Annexure-III) is set aside. The applicant should be
given a copy of the complaint ^{submitted} ~~given~~ by Mr. Agarwal within one
month from the date of receipt of a copy of this order.. The
applicant should be given thereafter 2 months time to file an
appeal taking due note of the complaint given by Mr. Agarwal. If
such an appeal is received within the stipulated time, R-2 should
dispose of the appeal within a period of 3 months from the date
of receipt of that appeal.

6. The OA is ordered accordingly. No costs.



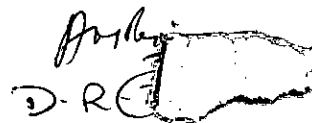
MEMBER (JUDL.)



MEMBER (ADMN.)

8/9/97
Dated : The 08th Sept. 1997.
(Dictated in the Open Court)

spr


D.R.

29/9/87
b
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI R. RANGARAJAN: M
(J)

DATED: 8/9/87

ORDER/JUDGEMENT

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

in

O.A.NO. 1556/84

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn.

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLK7

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

वेप/DESPATCH

26 SEP 1987

हस्ताक्षर
HYDERABAD BENCH