

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

C.A. No. 317/94.

Date: 2-4-1997



Between:

B. Appalenaidu. .. Applicant.

And

Manager, South East Central Railway
Waltair.

2. Divisional Railway Manager,
South Eastern Railway, Waltair.
Respondents.

9.

Name of the counsel for the Sri P.B.Vijaya Kumar.
applicant.

Name of the counsel for the Sri N.R.Devraj.
Respondents.

Coram:

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

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

JUDGMENT

(per Hon'ble Sri B.S. JAI PARAMESHWAR, MEMBER (J))

..

None appeared for the applicant. The applicant
was also absent when called for hearing. Heard Sri W.
Satyanarayana for Sri N.R.Devraj, learned Standing counsel
for the respondents.

The applicant prays to quash the orders upto and
including the proceedings of the 2nd respondent
No. WTA/2/123/91 dated 4-2-1994 and for restoration of
all consequential and attendant benefits thereof.

that on humanitarian consideration, the Appellate Authority ~~has~~ reduced the period of punishment to two years and that there are no grounds to interfere with the impugned order.

The legal pleas submitted by the applicant are to be seen from para 5 of the O.A., After Perusal of the legal pleas raised by the applicant, we feel they are vague and do not contain any rule which is violative nor any infringement of extant instructions as provided for in the (D&A) Rules, 1968. The pleas are mostly general in nature. The applicant has stated that statutory provisions are not followed. Such pleas cannot be countenanced unless proper provisions which are not followed are brought out clearly and also the manner in which they have not been considered. When such particulars and details are not available, we cannot give any credence to the legal pleas putforth by the applicant in this O.A.

The respondents have answered the legal pleas raised by the applicant in para 4 of their counter. As the legal pleas putforth by the applicant are vague and cannot be deciphered, the response given by the respondents is also in general terms, which cannot be questioned.

Br

O.A.1542/93. This Bench set aside the order of the Appellate Authority and remanded the matter to the Appellate Authority i.e., the 2nd respondent.

The 2nd respondent as an Appellate Authority passed the Order dated 4-2-1994 rejecting the appeal and confirming the same punishment.

It is this order that has been challenged by the applicant in this O.A.

A counter has been filed by the respondents stating that after disposal of the O.A.1542/93 holding that the Respondent shall consider the appeal in accordance with Rule 22 of the Railway Servants (D&A) Rules, 1968 the Respondent No.2 considered the appeal and by the impugned Order (Annexure IV) confirmed the punishment, that the impugned order is a speaking order, that the impugned order does not suffer from any infirmity or illegality, that the applicant was held responsible for the accident at Dusi Railway Station as per the Joint Enquiry Committee Report of the Committee nominated by Divisional Railway Manager, that the Appellate Authority had fully and carefully examined the case, that the punishment imposed on the applicant is based on the facts and that there is no discrimination exhibited towards the applicant.



: 5 :

The Enquiry Officer held that the charge levelled against the applicant established and that the applicant was responsible for the accident.

This Tribunal has limited scope in regard to the Disciplinary Proceedings. As laid down by the Hon'ble Supreme Court in the case of B.C.CHATURVEDI Vs. UNION OF INDIA (reported in A.I.R.1966 S.C.336) the Tribunal cannot act as an Appellate Forum. Moreover, this Tribunal cannot interfere with the punishment imposed by the Authorities.

Considering these facts and legal position we feel that there are no merits in this O.A.

The O.A., # is accordingly dismissed. No order as to costs.

ss.

D. L. O. : अमानित प्रति. (क्र.) - T. P. N. S. (क्र.)
CERTIFIED TO BE TRUE COPY
T. P. N. S. (क्र.)

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण अपर कोर्ट.
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

केस संख्या
CASE NUMBER
निर्णय का तारीख
Date of Judgement
प्रति तत्त्वात् दिया गया दिन
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न्युक्लियर एफिसी (एस. एस.)
Section Office (S)