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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

CONTEMPT APPLICATION NO.125/95 in
ORIGINAL APPLICATION NO.627 of 1995

Date of decision: 2-4-96

C. Rama Rao

APPLICANT(S)

Versus

Sri L.D. Behra
Addl. Divisional Rly. Manager
S.E.Rly.; Waltair

RESPONDENT(S)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not?
2. Whether it be circulated to all the Benches of C.A.T. or not?


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman/Member ()

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

Contempt Petition No.125/95 in
in Original Application No.627/95 dt. 2-4-96

Between

C. Ramarao : Petitioner

and

Sri E.D. Behra
Addl. Divnl. Rly. Manager
S.E. Rly., Waltair : Respondent

Counsel for the Petitioner : P.B. Vijaya Kumar
Advocate

Counsel for the respondent : N.R. Devaraj,
SC for Railways

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN
-- (ADMINISTRATION)

Order as

Judgement

(M.G. Chaudhari, V.C.)

Sri K. Venkateswaran, Sri V. Bhimanna, and Sri
N.R. Devaraj,

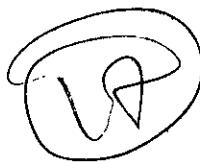
2. By the order in the OA which was dismissed, respondent
R-2 was directed to dispose of the case

expeditiously and preferably by the
end of October, 1995. From the counter reply it appears
that R-2, ~~on advice~~ referred the matter to the Reviewing authority and the

Reviewing authority has issued a decision which has been
communicated to the disciplinary authority. The final

decision however requires the Presidential sanction.
According to the respondents considerable time is required

for obtaining the same as the papers have to move through

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the Railway Board and the UPSC. Upto this level all steps are stated to have been taken within the time indicated in the original order. The show cause reply is dated 4-1-1996.

3. The learned counsel for the applicant seeks to draw our attention to a further development viz. that on 3-1-1996, the DR(M) has issued a show cause notice to the applicant calling upon him to show cause against the conclusion that the charges levelled against him vide charge

applicant had been given 15 days time to reply.

4. We are not able to appreciate as to how on the one hand in the counter reply it has been stated that the DR(M) has been passing the final order and on the other a show cause notice has been issued. Even so it is obvious that some more time will be required now in view of the show cause notice. It is conceivable that only thereafter the matter will be

5. Strictly speaking since the applicant is a retired person and as a period of 10 years is about to elapse since the date of chargesheet, further delay in finalisation of the case would not be justified. All that can be said in view of the chargesheet is that the proceedings are being taken with a leisurely pace. In such a case delay is required to be avoided when the original order directed expeditious disposal of the proceeding.

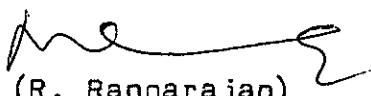
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6. It is mentioned in the counter reply that petition has been filed for extension of time to file inquiry report and the time sought is for nine months. No date is mentioned in the application, nor that application is before us. Even if that has been filed we regard the period of nine months to be ~~too~~ long and could not be justifiable.

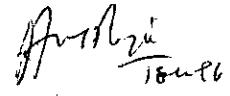
7. In the aforesaid situation, we expect the respondents to pass final order in the disciplinary proceedings within a period of six months from today. Needless to add that ~~if~~ the applicant ~~is~~ aggrieved by that decision will be at ~~advised in~~ accordance with law to challenge that decision.

for contempt is called for. The application is disposed of in terms of the above order.

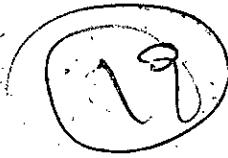

(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : April 4, 2000
Dictated in Open Court


Deputy Registrar (D) CC.

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To

1. Sri L.D.Behra,
Additional Divisional Railway Manager,
S.E.Rly. Waltair.
2. One copy to Mr.P.B.Vijayakumar, Advocate. CAT.Hyd.
3. One copy to Mr.N.R.Devraj, SC for Rlys. CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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Signature
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. ~~H. RAJENDRA PRASAD~~ : M(A)

Dated: 2-4 -1996

ORDER/JUDGMENT

M.A/R.A./C.A.No. 125/95

in

O.A.No. 627/95

T.A.No. (w.p.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

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