

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.

OA.No.999/95

Date of order: 24-9-1995.

Between:-

Mohd. Usman Khan                      ...                      Applicant.

And

1. Senior Divisional Electrical Engineer,  
Traction, South Central Railways,  
Divisional Office, Vijayawada-520 001.
2. Divisional Railway Manager,  
South Central Railways, Divisional Office,  
Vijayawada-520 001.
3. The Additional General Manager,  
South Central Railways, Rail Nilayam,  
Secunderabad-500 371.

...                      Respondents.

Counsel for the Applicant: Mr. G.V. Subba Rao

Counsel for the Respondents: Mr. N.V. Ramana,  
SC for Rlys.

CORAM:-

HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE

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OA.999/95

JUDGEMENT

( As per Hon. Mr. Justice V. Neeladri Rao, VC )

Heard Sri G.V. Subba Rao, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The appellate authority modified the order of removal to one of compulsory retirement as per proceeding No. Sr.DPO/SCR/BZAB/p.90/11/86/3/UA dated 3-4-1989. The applicant filed OA.455/89 against the said order. It was dismissed by order dated 26-6-1990 observing as under :

"After detailed discussion of the various points raised by the applicant the appellate authority has on humanitarian and sympathetic grounds, further modified the punishment to one of compulsory retirement which confers on the applicant the benefits of pension etc."

3. It is submitted for the applicant that without considering the earlier service of the applicant it was observed by the Administration that the applicant had not the requisite qualifying service of ten years to enable him to have pension and hence he was not granted pension. As ~~such~~ the applicant approached the AGM, revisional authority with a request for sanction of pension in view of the observations in the judgement dated 26-6-90 in OA.455/89. When the same was rejected the applicant approached the General Manager and the applicant could not get any benefit for the said authority also rejected, by order dated 8-4/5-95 and hence this OA was filed.

4. It has to be stated that once an order was passed by the Tribunal in a proceedings under section 18 of the AT Act or otherwise, it is not open to the disciplinary

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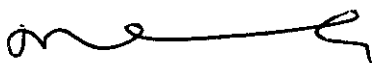
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authority or appellate authority or revisional authority or any other Administrative authority to modify the order of the Tribunal. If the applicant is aggrieved by the order of the Tribunal, his remedy is by way of appeal or by way of review if the circumstances warrant.

5. As such this OA is liable to be dismissed.

6. But this order does not ~~debar~~ <sup>debar</sup> the applicant to file <sup>as order in GA 4557/95</sup> review by filing application praying for condoning delay.

7. Subject to above this OA is dismissed at the admission stage. No costs.//

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : August 24, 95  
Dictated in Open Court

  
Dy. Registrar (Jud)

sk

Copy to:-

1. Senior Divisional Electrical Engineer, Traction, South Central Railways, Divisional Office, Vijayawada-520 001.
2. Divisional Railway Manager, South Central Railways, Divisional Office, Vijayawada-520 001.
3. The Additional General Manager, South Central Railways, Rail Nilayam, Secunderabad-500 371.
4. One copy to Mr. G. V. Subba Rao, Advocate, CAT, Hyd.
5. One copy to Mr. N. V. Ramana, SC for Rlys, CAT, Hyderabad.
6. One copy to Library, CAT, Hyd.
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

~~A N D~~

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

DATED 24-8 1995.

ORDER/JUDGMENT:

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

OA.No.

IN

999/95

TA.No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed. *At the R of Mr. Rangarajan*

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

No Spare Copy

