

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :  
AT HYDERABAD.

O.A.No. 133 of 1995

Date of Order - 27th October, 1997.

Between :

P. Venkatesh  
S/o P.Narasaiah,  
10-102, Sanjay Gandhi Nagar,  
Shapoor Nagar, Jeedimetla,  
Hyderabad.

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Applicant

And.

1. The U.O.. I. rep. by its  
Secretary, Ministry of Railways,  
New Delhi.
2. The Senior Divisional Electrical  
Engineer(M), Vijayawada.
3. The Assistant Divisional Railway Manager/II,  
Vijayawada.
4. The Chief Electrical Engineer,  
South Central Railway,  
Secunderabad.

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Respondents

Counsel for the applicant - Mr. R. Brij Mohan Singh

Counsel for the respondents- Mr. V. Bhimanna, Addl CGSC

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Coram :

Honourable Mr. R.Rangarajan, Member(Admn.)

Honourable Mr.B.S.Jai Parameshwar, Member(Judl.)

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ORDER (ORAL )

(Per Hon. Mr.B.S.Jai Parameshwar, Member (Judl.)

1. None appeared for the applicant. The applicant was also absent when this O.A. was taken up for hearing. None also appeared for the respondents. We are deciding this O.A. in accordance with Rule 15(1) of the CAT(Procedure) Rules, 1988

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2. While the applicant was working as Electrical casual Fitter, Pumps at Nadikudi proceeded on leave from 12.4.89 to 15.4.89 and from 16.4.89 to 19.4.89 on C.R. He was to report for duty on 20.4.89. He remained absent. It was on 21.5.91 he reported for duties with a medical certificate. Then he was informed that his services were terminated with effect from 5.7.1990 as per proceedings No. B/P.5/11/89/34/M dated 21.6.1990. Then the applicant submitted an appeal against the said order of removal to the respondent No.3 on 4.6.1991. The appeal was rejected by the respondent No.3 as per his order dated 30.7.1991. Against the said order, the applicant submitted a revision petition to the Chief Electrical Engineer, South Central Railway, Secunderabad (respondent No.4). The respondent No.4 also rejected the revision petition by his order dated 22.1.1992. Thereafter the applicant submitted a mercy petition to the General Manager(Personnel) South Central Railway, Secunderabad, but the same was rejected on 4.12.1992.

3. Hence the applicant has filed this O.A. to declare that his removal from service was illegal, arbitrary and violative of principles of natural justice and to issue directions to the respondents to reinstate him after setting aside the impugned order dated 21.6.1990 and for all consequential benefits.

4. The respondents have not filed any counter.

5. On going through the materials placed on record, we feel that the appellate authority has not considered the various grounds urged by the applicant in his Memorandum of appeal and also not followed the guidelines issued under Rule 22 of the Railway Servants (D&A) Rules, 1968. Even the revisional authority also has not considered these aspects. The appellate authority is expected to give reasonings on various grounds urged and he must also consider whether the



disciplinary authority has<sup>d</sup> followed the procedure and had given sufficient opportunity to the applicant. These facts are conspicuously silent in the order of the appellate authority dated 30.7.1991.

6. Therefore, we are constrained to set aside the orders dated 22.1.1992 of the revisional authority and 30.7.1991 of the appellate authority and to direct the appellate authority to consider the appeal of the applicant in accordance with the rules.

7. Hence we issue the following directions :

(a) The order dated 30.7.1991 passed by the respondent No.3 and the order dated 22.1.1992 passed by the respondent No.4 are hereby set aside.

(b) The respondent No.3 shall consider the appeal of the applicant in accordance with Rule 22 of the Railway Servants (D&A) Rules, 1968 and pass a reasoned order.

In case the applicant desires an opportunity of being heard, the same shall be given to the applicant.

8. The O.A. is disposed of accordingly. No order as to costs.

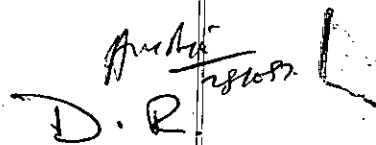
  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDICIAL)  
27.10.97

  
( R. RANGARAJAN )  
MEMBER (ADMINISTRATIVE)

Dated the 27th October, 1997

Dictated in the Open Court.

DJ/

  
D. R.

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Copy to:

1. The Secretary, Min.of Railways, New Delhi.
2. The Senior Divisional Electrical Engineer (M), Vijayawada.
3. The Asst.Divisional Railway Manager/II, Vijayawada.
4. The Chief Electrical Engineer, South Central Railway, Secunderabad.
5. One copy to Mr.R.Brij Mohan Singh, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
7. One copy to Hon'BSJP, M(J), CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

7/11/92  
(9)  
TYPED BY  
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CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M (J)

Dated: 27-10-92

ORDER/JUDGMENT

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

in  
O.A.NO. 133/95

Admitted and Interim Directions  
Issued.

Allowed

Disposed of ~~with Directions~~

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

