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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.1031 OF 1995.

Date of Order:31-3-1998.

Between:

S.Subba Naidu.

.. Applicant

and

1. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager(P),(BG),
South Central Railway,Secunderabad.
3. The Divisional Electrical Engineer,
Construction-I,
South Central Railway,Secunderabad.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.P.Krishna Reddy

COUNSEL FOR THE RESPONDENTS: Mr.J.R.Gopal Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

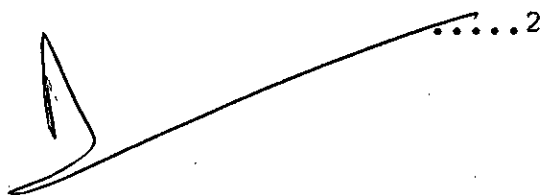
: O R D E R :

ORAL ORDER(PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Ms.Sharada for Mr.P.Krishna Reddy for
the Applicant and Mr.J.R.Gopala Rao for the Respondents.

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2. The applicant was engaged as a Casual Labourer on 20-1-1984. After 120 days of continuous service he attained temporary status. He was screened and put on the panel after regular absorption by Order dated:1-5-1985. The applicant it is stated was issued with a termination order on 2-5-1987. However, that termination order was challenged in O.A.No.321 of 1987 on the file of this Bench. By order dated:6-5-1987 of this Tribunal, the termination order was set aside and the termination was issued without any enquiry and without framing charges. But liberty was given to the respondents to issue a proper charge sheet and conduct regular enquiry in accordance with the rules. The applicant was reinstated by an Order dated: 12-5-1987.

3. This O.A. is filed praying for a direction to the respondents to regularise the services of the applicant based on the empanelment order dated:1-5-1985 and further a direction to the respondents to give promotions from the date ~~of~~ his juniors were given promotions with all consequential benefits including seniority, arrears of salaries etc...

4. No reply has been filed in this O.A. However, the learned Counsel for the respondents submitted on the basis of the parawise remarks available with him. The learned Counsel for the respondents submits that the enquiry was ordered but the Enquiry Officer failed to submit the Enquiry Report and the file in which the enquiry was ordered is also not available. Hence, he submits that the applicant ~~is~~ having been empanelled after screening is deemed to have been regularised in service and that the charge sheet may be enquired into by a fresh Enquiry Officer and on that basis further action will be taken.

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5. The prayer in this O.A. is that the applicant should first be regularised. The very fact he has been screened shows that he has been screened against a available regular post. Hence that screening itself is sufficient to treat him as a regular candidate. Hence the regularisation of the applicant has already been considered. It is also stated that the applicant has been promoted on adhoc basis even though in the relief column it is requested that the applicant should be promoted on par with his juniors. The very fact he has been given adhoc promotion means that he has been promoted ~~may be~~ on par or may not be on par, but ^{it} that is not necessary at this juncture to examine that issue as no employee can be promoted even on adhoc basis when the charge sheet is pending. However, having promoted him on adhoc basis, we direct the respondents not to revert him in view of the observations made above.

6. The applicant cannot oppose the enquiry as the charge sheet ^{has} already been issued and the enquiry has not been completed due to the reasons beyond the control of the respondents. A fresh enquiry may be ordered now and the enquiry may be completed in accordance with the rules following the principles of Natural Justice.


7. After the enquiry is completed, further action may be taken ^{as} ~~as~~ deemed fit in accordance with Law on the basis of the Enquiry Report and other material available before the Disciplinary Authority.


8. The enquiry and ^{passing of} ~~the~~ final order should be ~~passed~~ ^{Completed} and ~~completed~~ within a period of three months from the date of receipt of a copy of this Order. If the above direction is


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within the stipulated period
~~is~~ not followed, then the Charge Sheet dated: 2-6-1987 stands quashed. It is need less to say that the applicant should cooperate in this connection.

9. With the above direction, the O.A. is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)
31.3.98
MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)


Dated: this the day of 31st March, 1998

Dictated in the Open Court


DR

DSN

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Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager(P), (BG), South Central Railway, Secunderabad.
3. The Divisional Electrical Engineer, Construction-I, South Central Railway, Secunderabad.
4. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. J. R. Gopala Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

23/4/98
(7)

II COURT

TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 31/3/88

ORDER/JUDGMENT

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

in

O.A.NO. 1081/85

~~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

