

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO. 179/95

DATE OF JUDGMENT: 4.5.95

BETWEEN:

U.Ganga Raju

.. Applicant.

A N D

1. Divisional Railway Manager,
South Central Railway,
 2. Divisional Operating Manager,
South Central Railway,
Hubli.
 3. General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
- .. Respondents.

COUNSEL FOR THE APPLICANT: SHRI G.V.Subba Rao
COUNSEL FOR THE RESPONDENTS: SHRI V.R.Gopala Rao
Sr./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.).

CONTD....

MA ~~28/95~~ and
O.A.No.179/95

JUDGEMENT

I As per the Hon'ble Justice Sri V. Neeladri Rao, I
I Vice-Chairman

Heard Sri G. V. Subba Rao, learned counsel
for the applicant and Sri J.R. Gopala Rao, learned
counsel for the respondents.

2. The applicant was convicted for offence U/s 3(a)
of RPUP Act and sentenced to imprisonment for two
years and fine of Rs.2,000/- as per judgement in C.C.
No.100/94

Court, Vijayawada. Criminal Appeal No.78/94 was filed
in the Sessions Court at Vijayawada against the said
judgement. The Sessions Court suspended the sentence
of the imprisonment pending disposal of the appeal.

3. R-2 issued Memo No.H/T.173/Guards/BAY/95, dt.
31.1.95 of the Divl. Operating Manager, S.C.Railway,
Hubli proposing to take action U/s 14 of R.S. (DSA)
Rules. The applicant submitted the explanation on
2.2.95 and filed this OA on 9.2.95 praying for quashing
the Memo. dt. 31.1.95 referred to supra.

4. It is stated that subsequent to filing of this
O.A. the applicant was removed from service even after
consideration of the explanation dt. 2.2.95 of the
applicant. Hence, the applicant filed the M.A. No.
208/95 praying for amendment of this O.A. praying for
quashing the order of dismissal. In the circumstances
referred to the M.A. praying for amendment to OA so as
X


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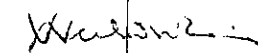
enable the applicant to challenging the order of removal,
is allowed.

5. The Apex Court made it clear in 1995(1) ATJ 515 that the suspension of the sentence is not a bar for the Disciplinary Authority to proceed against the delinquent employee by way of disciplinary action on the basis of very allegations for which the applicant was convicted, even during the pendency of the appeal. Hence, the contention for the applicant that R-2 acted illegally, proceeded U/s 14 of R.S. (D&A) Rules, 1968 even when a Criminal Appeal was pending while sentence was suspended, has to be ^{negated} impugned.

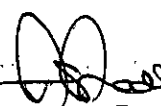
6. The applicant is having right to appeal against ~~dismissal~~ of dismissal. If the applicant is so advised he is free to prefer an appeal against the order of dismissal, and for that purpose the period from today has to be reckoned for the purpose of limitation in preferring the appeal.

7. Subject to the above, the O.A. is dismissed.
No costs./


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dt. 4-5-1995
Open Court Dictation


Deputy Registrar (J)C

- To
1. The Divisional Railway Manager, S.C.Rly, Vijayawada.
 2. The Divisional Operating Manager,
S.C.Rly, Hubli.
kmv
 2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
 4. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
 5. One copy to Mr.J.R.Gopala Rao, SC for Rlys, CAT.Hyd.
 6. One copy to Library, CAT.Hyd.
 7. One spare copy.

THPED BY

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COMPARED BY

APPROVED BY

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 4.5.95 1995.

ORDER/JUDGMENT:

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

TA 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.

No Spare Copy

