

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 105/95.

Dt. of Decision : 1-10-97.

V.Krishna Rao

.. Applicant.

Vs

1. The Union of India, rep.by its Secretary, Dept. of Railways, New Delhi.
2. The Sr.Divl.Mech. Engineer, SE Rly., Waltair, Vizkhapatnam.
3. The Divl.Rly.Manager, SE Rly, Dondaparthi,Visakhapatnam.
4. The Chief Mech.Engineer, SE Rly, Garden Reach,Calcutta-43.

.. Respondents.

Counsel for the applicant : Mr.R.Briz Mohan Singh

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

None for the applicant. The applicant was also absent when the OA was taken up for hearing. Heard Mr.W.Satyanarayana for Mr.N.R.Devaraj, learned counsel for the respondents.

2. While the applicant was working as Goods Driver in the scale of pay of Rs.1350-2200/- a charge memo No.WMA/7/VICRG 139 dated 22-1-93 (Annexure-1) was served on him alleging that on 8-11-93 he had committed an act of serious misconduct in refusing to work the train further from Vijayanagaram from 04-45 hours onward on the plea of long-hours of duty thereby causing detention of the said train upto 07-35 hours and thereby causing dis-location to train service in violation of Rule 3.1(ii) of Railway Service (Conduct) Rules, 1956.

3. The applicant denied the charges and an enquiry was conducted and an enquiry officer submitted his report. On 8/9-11-94 the disciplinary authority passed an order No.WMD/7/VKR/6942 (Annexure-5) reverting him to the post of Sr.Diesel Assistant Driver on the pay of Rs.1560/- in the scale of pay of Rs.1200-2040/-(RPS), for a period of 30 months and further directed that the punishment of reduction would have the effect of postponing his future increments and seniority on restoration.

4. Against the said punishment the applicant submitted memorandum of appeal dated 29-11-94 (Annexure-6).

5. Even while his appeal was pending consideration before the appellate authority, the applicant filed this OA challenging the punishment imposed by the disciplinary authority by proceedings No.WMD/7/WKR/6942 dated 8/9-11-94 (Annexure-5).

6. The respondents have filed their counter stating inter alia that the appeal dated 29-11-94 submitted by the applicant was under consideration, that the applicant even without waiting for

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six months period contemplated under Section 20(2)(b) of the Administrative Tribunals Act has approached the Tribunal and that he has not exhausted the remedies available to him under the relevant rules.

7. In fact the appeal dated 29-11-94 is under consideration before the appellate authority. Hence we feel it proper now to direct the appellate authority to dispose of the said appeal within


8. Hence the following directions are given:-


(a) The R-3 shall consider the appeal dated 29-11-94 (Annexure-6) submitted by the applicant in accordance with the rules and dispose of the same within two months from the date of receipt of a copy of this order.

(b) In case the applicant desires for a personal hearing, the appellate authority shall provide him an opportunity to the applicant.

(c) It is needless to say that in case the applicant is going to be aggrieved by the disposal of his appeal by the appellate authority he is at liberty to take such remedial action as provided for in law.

9. With the above direction the OA is disposed of.
No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
1.10.97


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated: The 01st October, 1997.
Dictated in the Open Court.

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D-R (J)

22/10/97

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TYPED BY
COMPARED BY

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: 11/10/97

ORDER/JUDGMENT

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

in

D.A. NO. 105/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

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II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बेचन/DESPATCH
27 OCT 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH