

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 326/95

DATE OF ORDER : 25-02-1998.

Between :-

A.V.Abraham

... Applicant

And

1. The Divisional Railway Manager (P),  
(BG), SC Rlys, Sanchalan Bhavan,  
Sec'bad.
2. The Addl. Divisional Railway Manager,  
Office of the DRM, SC Rlys, Sanchalan  
Bhavan, Sec'bad.
3. The Chief Personnel Officer, SC Rlys,  
Rail Nilayam, Sec'bad.
4. The General Manager,

... Respondents

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Counsel for the Applicant : Shri N.Krishna Rao

Counsel for the Respondents : Shri D.F.Paul, SC for Rlys

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CORAM:

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

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

Jai

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J) ).

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None for the applicant. Heard Sri D.F.Paul, standing counsel for the respondents. Since the OA is filed in the year 1995, we are deciding this OA on the basis of material available on record in accordance with the Rule 15(2) of the CAT (prosecute) Rules, 1985.

2. The applicant while working as Diesel Electrical Fitter at Kazipet was dismissed from service by order dt.21-4-82 without holding any enquiry under Rule-14(2) of the Railway Servants Discipline & Appeal Rules, 1968. The applicant questioned the said dismissal order in OA 891/89 before this Tribunal. On 3-8-92 this Tribunal quashed the order of dismissal and consequently directed the respondents to reinstate the applicant with all consequential benefits and further directed that while computing the arrears of pay the orders passed in MA 615/89 may be taken into account by the respondents.

3. In the said MA it was directed that in the event of allowing the OA, the period from 3-8-87 to 10-2-89 i.e. the date of filing of the OA shall not be counted for payment of such arrears. The applicant submits that since he succeeded in the OA, the respondents are bound to pay the entire arrears of salary for the period from 21-4-83 to 2-8-87 and 11-2-89 to 8-1-93. He submits that the respondents are exempted only with regards to the arrears of pay from the period from 3-8-87 to 10-2-89.

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4. The applicant was reinstated on 8-1-93. He submits that since he was not paid the arrears of pay as directed by this Tribunal, he has submitted a representation dt.11-3-93. His representation was rejected as per the impugned order. He submits that the respondents had reached a conclusion that he was entitled only to 50% of back-wages and the period of dismissal would be treated as "non duty". He submits that against the said conclusion of the Respondent No.1, he submitted a representation to Respondent No.1 by way of review of his own decision as the same was contrary to the directions given earlier in the O.A. Further the applicant submits that the Respondent No.2 exercising the power of Respondent No.1 confirmed the order of Respondent No.1.

5. Hence he has filed this OA challenging the proceedings No. SC/P/Conf./DAR/AVA/Dsl/Shed dt.21-7-93 and the order of Respondent No.2 in proceedings No.CP/Con/DAR/AVA/Dsl./Shed dt.23-9-94 and to direct the respondents to pay arrears of salary and such other consequential benefits to which he is entitled to.

6. The respondents have filed the counter. The main submission of the respondents is that the applicant is entitled for payment of 50% of pay and allowances as per the order of the competent authority under Discipline & Appeal Rules, which was communicated to him. They further submits that this is an appealable order.

7. Hence if the applicant is aggrieved by that order, the applicant is free to appeal against the impugned order. We find that the above submission is in order. The applicant should appeal to the Respondent No.3 against the impugned order and if that repre-

sentation/appeal is received by Respondent No.3 within one month from the date of receipt of a copy of this order, then that authority should dispose of the representation considering all the facts in this case and taking due note of the contentions raised by the applicant in his appeal on merits as well as contentions raised in this O.A. within a period of three months from the date of receipt of a copy of that representation.

8. With the above directions, O.A. is disposed of. No costs.

  
25-(B.S.JAI PARAMESHWAR)

  
(R.RANGARAJAN)

Dated: 25th February, 1998.  
Dictated in Open Court.

sv1/

  
D.R.

11/3/98

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TYPED BY  
COMPIRED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH-HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED: 25/2/98

ORDER/JUDGMENT

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

in

O.A.NO. 326/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

