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THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 448/95

22-11-1997

Between :-

CH.Jacob

... Applicant

And

1. Divisional Railway Manager,
SC Rlys, Division Offices,
Vijayawada-520001.
2. Sr.Divisional Personnel
Officer, SC Rlys,
Divisional Offices,
Vijayawada-520001.

... Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri C.V.Malla Reddy, 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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... 2.

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

Heard Sri G.V.Subba Rao, counsel for the applicant and Sri C.V.Mallayya Reddy, standing counsel for the respondents.

2. While the applicant was working as Cabinman under Station Master Number (RS) he remained unauthorisedly absent. Hence the respondents removed him from service for his unauthorised absence by proceedings No.B/P5/VI/83/18 dt.20-7-84. This order of removal was

submits that he had not received the same but, subsequently, he obtained the same. Thereafter the applicant submitted a memorandum of appeal dt.14-2-92. The copy of memorandum of appeal is at page-9 to the OA.

3. Thereafter, he has submitted representations praying for early disposal of his appeal. There was no response. Hence he has approached this Tribunal by filing this OA. He has prayed to direct the respondents to produce the records pertaining to the impugned order dt. 20-1-92 and quash the same by declaring it as arbitrary, illegal, unconstitutional violative of articles 311(2), 14, 16 & 21 of the constitution with all consequential benefits such as arrears of salary, allowances, etc., treating the applicant as having been in service from the date of removal till the date of his retirement superannuation or in the alternative to direct the respondents to treat the order of removal as one of voluntary retirement with

pensionary benefits.

they have stated that they have not received the memorandum of appeal dt.14-2-92. However they have furnished a copy of the reminder submitted by the applicant along with their counter.

5. Applicant has filed his rejoinder. He has not indicated as to when the memorandum of appeal, furnished to the respondents.

6. Since the appellate authority has to consider the propriety or otherwise of the punishment imposed on the applicant by order dt.20-7-84, it is but proper to direct the appellate authority to decide the appeal dt.14-2-92 submitted by the applicant in accordance with law without going into the question of limitation.

7. Hence the following directions are given :-

(a) Respondent No.1 shall decide the appeal dt.14-2-92 submitted by the applicant in accordance with the law without going into the question of limitation;

(b) In case the applicant desires for an opportunity of hearing, the same shall be provided to him and the appellate authority while disposing of the appeal shall take note of the submissions both oral and written at the time of personal hearing.

8. With the above directions, the OA is disposed of. No order as to costs. Time for compliance is 4 months from the date of receipt of a copy of this order.

(B.S.JAI PARAMESHWAR)
Member (J)

R
(R. RANGARAJAN)
Member (A)

7.11.97 Dated: 7th November, 1997.
Dictated in Open Court.

DA.448/95

Copy to:-

1. The Divisional Railway Manager, South Central Railway, Offices. Vijayawada.
2. The Senior Divisional Personnel Officer, South Central Railway, Divisional Offices, Vijayawada.
3. One copy to Mr. G.V.Subba Rao, Advocate, CAT., Hyd.
4. One copy to Mr. C.V.Malla Reddy, SC for Rlys., CAT., Hyd.
5. One copy to BSJP (MJ), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

21/11/97
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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: 7/11/97

ORDER/JUDGMENT

M.A/R.A/C.A.NT.

in
D.A.NO. 448/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

Central Administrative Tribunal
Despatch
20 NOV 1997

Hyderabad Bench
HYDERABAD BENCH