

126

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 533/99 in DA 1077/96

DATE OF ORDER : 12.7.1999

Between :-

T.V.G.Prasad Rao

... Applicant

And

1. Union of India, rep. by its Secretary,
To the Ministry of Railway, New Delhi.
2. The General Manager, Central Organisation
Railway Electrification, Allahabad.
3. The General Manager (Personnel), Rail Nilayam,
SC Rlys, Sec'bad.
4. The Chief Project Manager, Railway Electrification,
Visakhapatnam.
5. Shri D.V.S.Raju
6. Shri K.Venkata Rao

... Respondents

-- -- --

Counsel for the Applicant : Shri G.V.Sekhar Babu

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

-- -- --

CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE SHRI H.R.AJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

-- -- --

... 2.

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

-- -- --

Heard Mr.G.V.Sekhar Babu, learned counsel for the Applicant and Mr.N.R.Devaraj, learned Standing Counsel for the Respondents.

2. An order dt.6.5.1992 was passed by the Dy.Chief Electrical Engineer, Railway Electrification, Vijayawada, imposing the penalty of Recovery of Rs.12,000/- from the salary of the Applicant in 24 equal monthly instalments commencing from May, 1992.

3. It is stated that the entire amount has since been recovered from the pay of the applicant. DA 1077/96 filed by the Applicant challenging the penalty was disposed of by this Tribunal on 5.2.1999 with the following direction :-

In view of the matter, therefore, this DA is disposed with a direction to the Fifth Respondent to cause departmental inquiry to be conducted from the stage of serving charge sheet on the applicant within two weeks from the date of receipt of the copy of this order and to take all necessary steps expeditiously so that the inquiry could be completed as early as possible. The applicant is directed to receive the charge sheet, which, in fact, forms part of the record of this case. The applicant shall co-operate fully with the authorities in the expeditious conclusion of the enquiry and shall himself not give any cause for any delay.

28. This entire exercise shall be completed not later than 30th April, 1999.

29. In the meantime, the orders which have been challenged by the applicant in this DA shall remain in suspended animation.

[Signature]

In the meanwhile MAs 714, 715 of 1998 in OA 1077/96 were disposed of on 11.9.1998 by following orders :-

"Meantime, the Respondents have released a proposed panel for promotion for promotion to the post of A.E.E. under the 70% quota for which purpose a selection test/interview is stated to have been fixed on 25.9.98 for filling up 5 unreserved vacancies announced for 1998.

The applicant apprehends that if all the unreserved posts are filled, several of his juniors may be promoted, yet again, above him. It is a reasonable apprehension, and since we have not been able to decide this case (OA 1077/96) so far owing to the failure of the respondents to file a counter affidavit for two years, we consider it just, proper and expedient to direct that one OC (unreserved) post of Asst. Electrical Engineer, notified vide Headquarters, Personnel Branch Lr.No.P/GAZ607/EL/Vol.VI, dt.5.6.98, be left unfilled until the disposal of this OA."

It is now revealed that the Disciplinary Authority, vide order No.E.252/VVRE/5003/OA/1077/96 dt.29.5.99, has held that the charges levelled against the applicant could not be sustained since no guilt has been established against him.

4. In view of the above disclosure, the following directions have become necessary to be issued :-

- (i) The Respondents shall refund to the Applicant the amount of loss which was recovered from his pay in the past. An interest @ 10% p.a. shall be sanctioned suitably on each instalment of the recovered amounts while ordering the sanction of refunds. This shall be done within one month from the date of receipt of a copy of this order;

[Signature]

They shall

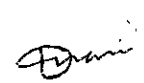
(ii) Consider his claim for promotion to the post of Asst. Electrical Engineer on the basis of:

(a) his success in the written test/viva-voce which he claims to have cleared in 1992, and;

(b) in terms of the order passed by this Tribunal in the MAs supra to keep one Assistant Electrical Engineer's post in unreserved category unfilled. This may be done within 60 days from the date of receipt of a copy of this order.

5. Thus the M.A. is disposed of. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(D.H. NASIR)
Vice-Chairman

Dated: 12th July, 1999.
Dictated in Open Court.

avl/

15-7-99