

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

O.A.No.1039 OF 1996.

DATE OF ORDER:8-12-1998.

Between:

P.B.Dasan.

.. Applicant

a n d

1. Divisional Railway Manager,
Secunderabad Division,
South Central Railway,
Sanchalan Bhavan,Secunderabad.
2. Senior Divisional Operating Manager,
Secunderabad Division, S.C.Railway,
Sanchalan Bhavan,Secunderabad.
3. Divisional Operating Manager(Coaching),
Secunderabad Division, S.C.Railway,
Sanchalan Bhavan,Secunderabad.

..Respondents

COUNSEL FOR THE APPLICANT: MR.J.Venu Gopal Rao.

COUNSEL FOR THE RESPONDENTS: Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

None for the Applicant. ^{Head} and Mr.N.R.Devaraj, learned
Standing Counsel for the Respondents.

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2. The applicant while working as Assistant Station Master at Wihirgaon Railway Station, he was placed under suspension from 26-11-1993. He was issued with a charge memo dated: 27-12-1993 by the Divisional Operating Manager (Goods), Secunderabad, alleging certain misconduct. In that the applicant had refused to note down Train Notice Number and caused detention to multiple locos and dropped load at Wihirgaon.

3. However, the Divisional Operating Manager (Goods), Secunderabad, had cancelled the said charge memo dated: 27-12-1993 and ~~issued~~ ^{was issued} another charge memo with the same allegation by the Divisional Operating Manager (Coaching), Secunderabad and appointed one Sk. Amear, Area Officer, Ghatchandur as an Enquiry Officer.

4. The Enquiry ~~was~~ conducted and the Enquiry Officer submitted his report holding that the charges levelled against him were proved.

5. The applicant submitted his representation dated: 6-1-1995 (Annexure.5 to the OA) against the findings of the report of the Enquiry Officer. The Disciplinary Authority after considering the report of the Enquiry Officer and the explanation offered by the applicant by his Proceedings No.C/T/160/41/VHGN/94, dated: 6-2-1995 (Annexure.3, page.20 to the OA) imposed the penalty of reduction to a lower grade from Rs.1600-2660/- to Rs.1200-2040- fixing his pay at Rs.1200/- for a period of two years.

6. Against the said punishment, the applicant submitted an appeal dated:9-3-1995(Annexure.A-II, page.14 to the OA) to the Senior Divisional Operating Manager, South Central Railway, Secunderabad. The Appellate Authority by his proceedings dated:10-7-1996(Annexure.A-I) considered the appeal and rejected the same confirming the punishment. In the said Order the Appellate Authority directed the applicant to submit a Revision Petition to the ADRM-D/SC as contemplated under Rule 25 of the Railway Servants (Disciplinary & Appeal) Rules, 1968.

7. However, the applicant has filed this OA challenging the Order passed by the Disciplinary Authority and Order passed by the Appellate Authority on 10-7-1996 and praying to set aside the same for the grounds enumerated in the OA.

8. The respondents have filed their counter and in the counter they have preliminarily contended that the applicant had not exhausted the statutory remedy available to him under Rule 25 of the Railway Servants (Disciplinary & Appeal) Rules, and that the OA is premature.

9. Since the applicant is not present today and since the respondents have taken the contention that the applicant had not exhausted the remedy available to him by filing a revision application under Rule 25 of the Railway Servants (Disciplinary & Appeal) Rules, 1968, We feel it proper to direct the applicant, if he is so advised, to submit a revision petition against the Order of the Appellate Authority dated:10-7-1996. Then the

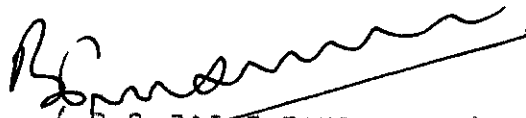
Revisionary Authority shall consider the same on merits without going into the question of limitation. It is needless to point out that the applicant may approach this Tribunal if he is aggrieved by the Order that may be passed by the Revisionary Authority.

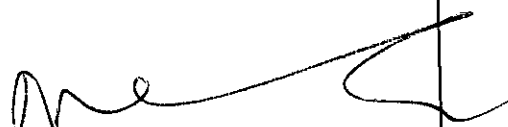
10. Hence, the following direction is given:-

The applicant may, if so advised, submit a revision petition as contemplated under Rule 25 of the Railway Servants(Disciplinary & Appeal) Rules, 1968 to the appropriate Revisionary Authority within One month from the date of receipt of a copy of this Order. If such a revision petition is received, then the appropriate Revisionary Authority shall consider the same in accordance with the rules as expeditiously as possible on merits. The Revisionary Authority may not go into the question of limitation, if any.

11. With the above directions, the OA is disposed of.
No order as to costs.

The above direction was given by us to avoid any injury to the applicant due to his absence today.

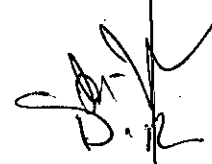

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
8/12/98


(R. RANGARAJAN)
MEMBER (ADMN)

DATED: this the 8th day of December, 1998

Dictated to stenographer in the Open Court

DSN



DA.1039/96

Copy to:-

1. The Divisional Railway Manager, Secunderabad Division,
S.C.Railway, Sanchalan Bhavan, Secunderabad.
2. The Senior Divisional Operating Manager, Secunderabad Division,
S.C.Railway, Sanchalan Bhavan, Secunderabad.
3. The Divisional Operating Manager (Coaching), Secunderabad
Division, S.C.Railway, Sanchalan Bhavan, Secunderabad.
4. One copy to Mr. J.Venu Gopal Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to HBSJP M(J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR :
M(J)

DATED: 8/12/98

ORDER/JUDGMENT

MA/R.A./C.P.NO.

in

DA.NO. 1039/98

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

