

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.1068/96.

Date: September 11, 1996.

Between:

D.Devasahayam. Applicant.

and

1.The General Manager, South
Central Railway, Rail Nilayam,
Secunderabad.

2.Divisional Railway Manager(P)SC/BG,
Rail Nilayam, Secunderabad. Respondents.

Counsel for the Applicant: Sri K.Sudhakar Reddy.

Counsel for the Respondents: Sri V.Bhimanna.

CORAM:

HON'BLE SHRI JUSTICE B M.G.CHAUDHARI, VICE-CHAIRMAN.

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (A) *14*

O R D E R

(PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN)

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Sri Sudhakar Reddy for the applicant. Although Notice was directed to be issued on 30-8-1996 to the respondents, it appears that, that direction was missed ^{and} notice has not been issued. We have therefore once again heard the O.A., for admission. The applicant feels that he is entitled to get retrospective ~~benefit~~ benefit of the promotion. O.A. is admitted.

2. Mr. V.Bhimanna, learned Additional Standing counsel for the Respondents now appears for the Respondents ^{and} waives the Notice. By consent of the counsel, the O.A., is taken up for final hearing.

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3. It appears from Annexure-IV that the applicant has filed a representation dated 15-6-1994 to the appropriate authority of the Respondents but the same ~~is~~ ~~is~~ ~~is~~ has not so far been disposed of. At least the applicant says that he has not been informed of any decision taken on his representation. The claim of the applicant is based on the ground that he was not ^{promoted} ~~permitted~~ to the Grade of Rs.1600--2660 along with his juniors during 1-5-1986 as a vigilance case was pending against him. That case was finalised on 24-12-1990 but final Order was passed on 29--6--1993 by the CPO and a minor penalty of withholding of increment due on 1-8-1991 for a period of one month with cumulative effect was imposed upon the applicant for the vigilance case. Thereafter he was promoted to the said Grade in September, 1993. The contention of the applicant is that as the penalty was a minor penalty, he is entitled to be given the benefit of the promotional grade with retrospective effect from the date ^{on} ~~by~~ which his juniors were promoted. Reliance is placed on para 3.6 of the Railway Board's letter dated 21-1-1993 in support of this contention. According to the applicant, correspondence has been going on between the DRM and CPO on the question of giving the benefit of the aforesaid para 3.6. Having regard to this circumstance, we ~~have~~ deem it appropriate to direct the DRM/P/BG/SC to dispose of the representation of the applicant dated 15-6-1994 finally on merits by a

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speaking order and communicate the same to the applicant within a period of two months from the date of receipt of copy of this order. In the event of the representation having been addressed to some other competent authority, these directions will equally apply for disposal of the representation by the said ^{other} Authority. In the event of being aggrieved by the final decision on his representation when communicated to the applicant, he will be at liberty to pursue his remedy in accordance with law against the same if so advised.

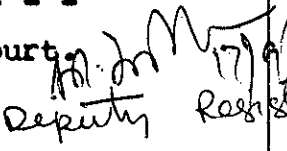
4. The O.A., is disposed in terms of the directions. No costs.


H. RAJENDRA PRASAD
MEMBER (A)


M.G. CHAUDHARY, J
VICE-CHAIRMAN

Date: September 11, 1996.

Pronounced in open Court


Deputy Registrar C/Sec

SSS.

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O.A.1068/96

To

1. The General Manager,
S.C.Rly, Railnilayam,
Secunderabad.
2. The Divisional Railway Manager,
(P)SC/BG, Railnilayam, Secunderabad.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 11-9-1996

~~ORDER~~ / JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No.

1068/96

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

