

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.NO.1366/96

Date of Order: 27.11.96

BETWEEN:

Syed Yakoob

.. Applicant.

AND

1. The General Manager,  
S.C.Rly., Rail Nilayam,  
Secunderabad.

2. The Divisional Railway Manager  
(Personnel), Hyderabad Division,  
S.C.Rly., Rail Nilayam,  
Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. K. Gangadhar

Counsel for the Respondents

.. Mr. V. Rajeswara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

J U D G E M E N T

(( Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) ))

Heard Mr. K. Gangadhar, learned counsel for the applicant and Mr. V. Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant while working as Machinist under R-2 was removed from service w.e.f. 26.4.82 for his unauthorised absence. He filed a revision petition to the General Manager which was also disposed of by the impugned order No. P.90/HYB/SY/2010, dt. 11.1.96 (A-1) confirming the order of the removal by the disciplinary authority and the appellate authority.

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3. This OA is filed challenging the order dt. 11.1.96 of the reviewing authority. The applicant submits that he has filed the revision petition to the General Manager but the same was disposed of by the Additional General Manager who is not competent to dispose of the revision petition. It is only the General Manager who is competent to dispose of the revision petition. The learned standing counsel submits that this contention is not taken as one of the grounds in the OA and hence adjudicating that is not permissible.

4. When the order of reviewing authority dt. 11.1.96 is glaring at our face we cannot ignore the plea even if it is not one of the pleas. Hence the contention of the respondents cannot be upheld.

5. The second contention of the applicant is that under Rule 25 of Railway Servants Disciplinary Appeal Rules the A.G.M is competent to dispose of the review petition. We have perused this rule. When a revision petition is filed after the case is disposed of by the appellate authority, only the General Manager is competent to dispose of the revision petition and none else. In view of the above the second contention that AGM can dispose of the revision petition is not borne out of the rules. Hence this contention is also rejected.

6. In view of what is stated above, the impugned order dt. 11.1.96 has to be set aside and the case has to be remitted back to the General Manager (R-1) to dispose of the revision petition in accordance with the rules.

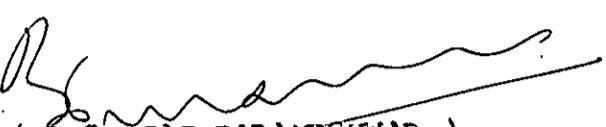
7. In the result, the impugned order dt. 11.1.96 is set aside and the case is remitted back to R-1 to dispose of his revision petition in accordance with the rules.

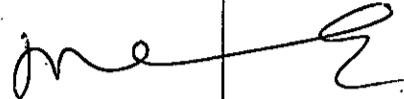
*R*

*D*

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8. The OA is ordered accordingly at the admission stage itself. No costs.

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

  
( R.RANGARAJAN )  
Member (Admn.)

Dated: 27th November, 1996  
(Dictated in Open Court)

sd

  
D-R (J)

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D.A.NO.1366/96

Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager,(Personnel), Hyderabad Division, South Central Railway, Railnilayam, Secunderabad.
3. One copy to Mr.K.Gangadhar, Advocate,CAT,Hyderabad.
4. One copy to Mr.V.Rajeswar Rao, Addl.CGSC,CAT,Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One duplicate copy.

YLKR

Q18/146

SUIT NO. 1974 DATED 18/12/1996

TYPED BY  
COMPIRED BYCHECKED BY  
APPROVED BYTHE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH-HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR:  
M(J)DATED: 27/4/96ORDER/JUDGEMENT

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

D.A.NO. 1366/96 <sup>in</sup>

ADMITTED AND INTERIM DIRECTIONS ISSUED  
 ALLOWED  
 DISPOSED OF WITH DIRECTIONS  
 DISMISSED  
 DISMISSED AS WITHDRAWN  
 ORDERED/REJECTED  
 NO ORDER AS TO COSTS.

II COURT

YLKR

