

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.1197 of 1996

DATE OF ORDER: 24th November, 1998

BETWEEN:

V.SHANKAR

.. APPLICANT

AND

The Deputy Chief Electrical Engineer,  
Gauge Conversion,  
South Central Railway,  
Secunderabad.

.. RESPONDENT

COUNSEL FOR THE APPLICANT: Mr.V.V.S.SATYANARAYANA

COUNSEL FOR THE RESPONDENT: Mr.C.V.MALLA REDDY,ADDL.CGSC

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN,  
MEMBER (ADMN.)

None for the applicant. Heard Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

2. The applicant herein was reported to have been initially engaged as Gangman with effect from 1983 on daily wages in South Central Railway, Bibinagar, Nalgonda. His name was reported to have been included at Sl.No.329 in the live register. He was transferred to Hubli Division along with other casual Khalasis in 1984. It is further added that temporary status was conferred on him and he became CMR with effect from 17.9.90. The applicant submits that

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he was transferred back in the same capacity from the office of the Deputy Chief Engineer, Construction, Gauge Conversion 4, Hubli to the office of the respondent herein i.e, Deputy Chief Electrical Engineer, Gauge Conversion, South Central Railway, Secunderabad along with others vide Office Order dated 15.9.95. He was relieved from Hubli on 30.10.95 to report to the respondents at Secunderabad. He reported to the respondents herein at Secunderabad on 31.10.95. He was paid salary at Rs.750/- per month as basic pay as CMR for the month of January 1996 onwards. Thus he was working as CMR Khalasi in the respondent's organisation at Secunderabad with effect from 31.10.95. On 25.7.96, the impugned order No.C.E.15C.SC.21.Vol.I (Office Order No.4 Dy.CEE/GC/SC/96) dated 25.7.96 (Annexure A-IV at page 10 to the OA) was issued terminating the services of the applicant. In the impugned order it is stated that the applicant joined the unit of the respondent at Secunderabad as CMR Khalasi producing false LPC.

3. This OA is filed to set-aside the impugned order dated 25.7.96 and for consequential direction to reinstate him into service with all consequential benefits such as arrears of pay and allowances etc.

4. A reply has been filed in this OA. The respondents contend that the applicant and another CMR Mr.P.Krishna Murthy were not transferred from Hubli to Secunderabad. The applicant and Mr.Krishna Murthy produced forged LPC documents <sup>senting</sup> including the applicant's name at the top and Mr.Krishna Murthy's name at the bottom, thus showing the LPC for 8 CMRs instead of 6 which was originally issued

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by the Hubli Division. In view of the above, the applicant and Mr. Krishna Murthy were repatriated back to Hubli Division by the Order NO.CE.150/CC/30 dated 22.2.96 (Annexure A-I to the reply). The vigilance branch investigated the case and found that the applicant and Mr. Krishna Murthy had produced false LPCs and joined at Secudnerabad as CMR Khalasis. In view of that, the vigilance branch recommended that the services of the above CMR Khalasis viz, the applicant and Mr. Krishna Murthy are to be terminated with immediate effect by the letter No.G.265/4/ST/11/Con/96 dated 25.7.96 (Annexure A-2 to the reply). The respondent of the Secunderabad Division had issued Office Order terminating the services of the applicant and Mr. Krishna Murthy by the impugned order dated 25.7.96 (Annexure A-3 to the reply). This order is challenged in this OA.

5. The applicant and Mr. Krishna Murthy are reported to be the temporary status CMR Khalasis. As they had attained temporary status, the extant rules have to be followed before terminating their services. But it appears that the termination order was issued without giving opportunity to them to explain their cases by following the principles of natural justice. Moreover, the applicant and Mr. Krishna Murthy were transferred <sup>back -</sup> to Hubli Division by the order dated 30.10.95. When they have been transferred and relieved to report at Hubli Division, it is not known how the respondent at Secunderabad can terminate their services by the impugned order dated 25.7.96. Normally such termination order after following the extant rules should have been issued by the Hubli Division by the competent authority.

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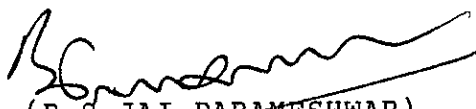
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6. In view of what is stated above, we feel that the impugned order of termination dated 25.7.96 has to be set-aside both in the case of the applicant as well as Mr.Krishna Murthy but liberty should be given to the authorities to initiate disciplinary action in accordance with law. If the applicant and Mr.Krishna Murthy had worked for some days after their relief from Secunderabad, for those days they should be remunerated as per the last pay drawn by them.

7. In view of the above, following direction is given:-


The impugned Office Order No.4 Dy.CEE/GC/SC/96, dated 25.7.96 is set-aside in the case of the applicant herein and also Mr.Krishna Murthy. Liberty is given to the appropriate authorities to initiate disciplinary proceedings afresh if they are so advised. For the days both the applicant and Mr.Krishna Murthy had worked as CMR after relief from Secunderabad, they should be remunerated on the basis of the last pay drawn by them.


8. The OA is ordered accordingly. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
MEMBER (JUDL.)

24.11.98

DATED: 24th November, 1998  
Dictated in the open court.

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

  
DR 27/11/98

vsn

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Copy to:

1. The Deputy Chief Electrical Engineer,  
Gauge Conversion, South Central Railway,  
Secunderabad.
2. One copy to Mr.V.V.S.Satyanarayana, Advocate, CAT, Hyderabad.
3. One copy to Mr.C.V.Malla Reddy, Addl.CGSC, CAT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One duplicate copy.

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7/12/98

II COURT

TYPED BY  
COMPOSED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI G.S. JAI PARAMESHWAR :  
M(J)

DATED: 24/11/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

G.A.NO. 1197/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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