

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1222/96

DATE OF ORDER : 06-11-1996.

Between :-

T.Hemant Kumar Singh

... Applicant

And

1. Divisional Commercial Manager,
SC Rlys, Vijayawada,
2. Divisional Railway Manager,
SC Rlys, Vijayawada.
3. General Manager,
S.C.Rlys, Rail Nilayam, Sec'bad.

... Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri V.Bheemanna, SC for Rlys

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CORAM:

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

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

(Order per Hon'ble Justice Shri M.G.Chaudhari, VC).

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Shri G.V.Subba Rao for the applicant. Shri V.Bheemanna, standing counsel for the respondents. The applicant prays in this O.A. for quashing of the order dt.5-1-96 passed by the Respondent No.1 placing him under suspension on the ground that a Disciplinary Proceeding was contemplated to be initiated against him. The applicant is working as Travelling Ticket Examiner (TTE for short) in the South Central Railway.

hcl

2. The applicant contends that no reason in support of the order of the suspension were supplied to him and no charge sheet has been issued to him for any alleged mis-conduct. Thus according to him the continued suspension is bad in Law.

3. Ordinarily the Tribunal is reluctant to interfere with the suspension order passed under relevant rules where a Disciplinary Proceeding is contemplated to be initiated. However where such a proceeding is not initiated within a reasonable period of time nor the concerned employee is informed of the further progress nor it is shown that investigation is in progress, it is unfair to continue the suspension and Tribunal is required to consider that question seriously. Such is the case here.

4. The order of suspension was issued on 5-1-96. Nothing has progressed thereafter till now after passage of nearly more than 10 months. The Respondents ought to have taken the further steps during this time. What is worse is that they are not willing to place ^{all the} ~~the~~ facts before the Tribunal as they have avoided to file a show cause reply in answer to notice issued on 15-10-96 and further time given on 29-10-96. On the last date, the learned standing counsel ^{wanted} ~~was~~ to give certain information on the basis of the oral instructions but we desired a proper ~~re~~ written show cause reply be filed by today. Today again Shri V.Bhimanna wants to provide certain information orally on some instructions received. It is indeed ^{that} ~~curious~~ even his instructions which he wants to convey indicate that the Respondent No.1 wants to say that the points raised need to be examined under the rules. We fail to understand as to why such exercise should not have done much earlier

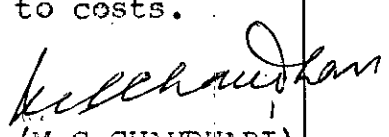
and atleast after the notice was issued in this O.A. WE regret to note that the manner in which the respondent^{has} No.1 shown disinterestedness to show cause on merits of this case reflects ^{intell} on the degree of responsibility he is expected to show as a responsible authority.

5. We thus find no ground on which the continued suspension of the applicant should be sustained. Shri V.Bhimanna could only state that the quantum of allowance was revised under the rules. That is no explanation as to why the suspension is being continued without ^{making} any further progress in the matter. We ^{therefore} ~~can~~ hold that the order of suspension is ^{unsustainable} untenable. In the result the following order is passed :

The order dt.5-1-96 No. B/C 568/Misc/4/95 issued under Rule 5(1) of the R.S.(D&A) Rules, 1968 issued by the DCM/BZA/Competent authority is hereby quashed and set aside. The Respondents are directed to admit the applicant to duty within 48 hours of receipt of a copy of this order.

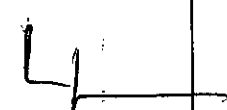
6. The Original Application is allowed after hearing both the sides at the admission stage. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 6th November, 1996.
Dictated in Open Court.

evl/


Deputy Registrar (D.C.)

O.A.1222/96.

To

1. The Divisional Commercial Manager,
SC Rlys, Vijayawada.
2. The Divisional Railway Manager,
SC Rlys, Vijayawada.
3. The General Manager,
SC Rlys, Railnilayam, Secunderabad.
4. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

(23)

8/11/96

I COURT

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COMPARED BY

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: 6 - 11 - 1996

ORDER / JUDGMENT

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

in

O.A.No. 1222/96.

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

