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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH : AT
HYDERABAD

O.A.No.1780 OF 1997.

Dated:1-1-1998.

Between:

S.Radha Krishna. .. Applicant

AND

The Senior Divisional Commercial
Manager, South Central Railway,
Sanchalan Bhavan, Secunderabad-500 071. .. Respondent

COUNSEL FOR THE APPLICANT(S): Mr.S.Siva Shanker

COUNSEL FOR THE RESPONDENT(S): Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

AND

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

: O R D E R :

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

Heard Mr.S.Siva Shanker, Learned Counsel for the
Applicant.

2. The applicant while working as Parcel Supervisor was served with a memo of charge dated 6-11-1997 with respect to certain deriliction of duty. During the periods from 1-3-1995 to 22-3-1995 an enquiry was ordered. It appears that the applicant failed to participate ⁱⁿ the enquiry. The enquiry was concluded ~~as~~ ⁱⁿ exparte. On the basis of the ~~exparte~~ report of the Inquiry Officer, the Disciplinary Authority by his Proceedings No.CON/SC/C/64/96, dated 16-12-1997 (Memorandum No.356/97) has imposed the penalty of removal of the applicant from service.

3. The Disciplinary Authority while passing the said order of removal has failed to indicate the next course of action permissible

to the applicant under the rules to prefer an Appeal against the said removal order. The Disciplinary Authority should have indicated the proper authority to whom the applicant should prefer an appeal and within what period should he submit. The Disciplinary Authority appeared to be in a hurry to pass the Impugned Order.

4. The applicant has filed this O.A. challenging the said order dated 16-12-1997 of the Disciplinary Authority.

5. As per Rules 19 to 22 of the Railway Servants (Discipline & Appeal) Rules, 1968, an appeal is provided against the Order of removal from service. The applicant has to exhaust the said available statutory remedy before approaching this Tribunal.

6. Even though the Disciplinary Authority has failed to indicate in the Impugned Order the available statutory remedy to the applicant against the order of removal, we feel it proper to direct the applicant, if so advised, to submit a detailed representation/appeal against the Impugned Order to the appellate authority within 15 days from the date of receipt of copy of this order.

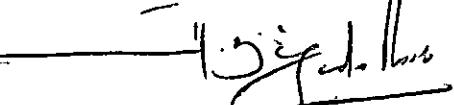
7. If such an appeal is received within the stipulated time, the appropriate appellate authority shall consider and decide the appeal in accordance with Law within two months from the date of receipt of the memorandum of appeal.

8. Should the applicant have any legal grievances against the appellate order, he shall be free to re-agitate before this Tribunal, if so advised, at a suitable juncture.

9. With the above direction, the O.A. is disposed of. No order as to costs.


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

1.1.98


(H.RAJENDRA PRASAD)
MEMBER (ADMN)

DSN.

Dated: 1st January, 1998

Dictated in the Open Court

Deputy Registrar

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O.A. 1780/97.

To

1. The Senior Divisional Commercial Manager,
SC Rly. Sanchalan Bhavan, Secunderabad-71.
2. One copy to Mr. S.Siva Shankar, Advocate, CAT.Hyd.
V. Bhimanna
3. One copy to Mr. N.R. Devraj, SC. for Rlys, CAT.Hyd.
4. One copy to HHRP.M.(A) CAT.Hyd.
5. One copy to D.R.(A) CAT.Hyd.
6. One spare copy.

pvm.

8/1/98

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN

AND

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

The Hon'ble Mr. B B Jayaraman: M(C)

DATED: 1 - 1 - 1998

ORDER/JUDGMENT:

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

in
O.A.No. 1780/97.

T.A.No.

(W.R)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

