

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1575 of 1997.

Date of decision: 24-11-1997

Between:

K. Nirmal Kumar.

Applicant.

and

Senior Divisional Operation
Manager, Office of the Divisional
Railway Manager, S.C.R., Vijayawada
Respondent.

Counsel for the applicant: B.Ramesh.

Counsel for the respondents: Sri V.Rajeswara Rao.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT:

(per Hon'ble Sri R.Rangarajan, Member (A))

The applicant in this O.A., is a Goods Guard
at Guntur. He was issued ^{with} the impugned Memorandum
No. B/P/227/VI/97/3 dated 3.11.1997 (Annexure -A1
to the O.A.). In that Memorandum it is stated that
the applicant is not a fit person to be retained in
service, and so the Disciplinary Authority in exercise
of its powers conferred under Rule 14(1) of the
Railway Servants (D & A) Rules, 1968 proposed to impose
on him the penalty of removal from service. The

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applicant was given an opportunity for making a representation on the penalty imposed against him. The applicant has submitted a representation dated 19-11-1997 (Annexure A-2 to the O.A) to the impugned Memorandum.

This O.A. is filed to set aside the impugned Memorandum dated 3-11-1997 issued by the respondent. The applicant has already been given an opportunity to explain his position. The applicant has also submitted a representation dated 19-11--1997 to the Memorandum. Hence the respondent should decide the case in accordance with the law after considering the representation of the applicant. Till a final decision is taken on the impugned Memorandum dated 3.11.1997 the applicant should be allowed to continue in service.

The applicant now submits that the Station Superintendent, South Central Railway, Guntur, is not permitting him to discharge his duties as Goods Guard. He has produced the letter of the Station Superintendent Guntur bearing No. GNT/Gds/97 dated 21-8-1997 ^{substantiated} to the above submission. We have

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perused that letter. The Station Superintendent, Guntur has asked the Senior DPO, Bezawada to give him ~~instructions~~ as to whether the applicant could be taken back to duty after certification by the CMS, GNT (Civil Medical Superintendent, Guntur) that the applicant is fit for duty. It is stated that no reply has been issued by the Senior DPO Bezawada in this regard. Hence the Senior DPO/Bezawada is directed to dispose of the letter dated 21.8.1997 of the station Superintendent, South Central Railway, Guntur within three days from the date of receipt of a copy of ^{this} ~~their~~ judgment. The Station Superintendent, South Central Railway, Guntur ~~must~~ shall take action on the basis of the reply given by the senior DPO., Bezawada.

With the above directions, the O.A., is disposed of at the admission stage *itself, no act.*

B. S. Jai Parameshwar
B.S. JAI PARAMESHWAR,
MEMBER (J)

R. Rangarajan
R. RANGARAJAN,
MEMBER (A)

Date: 24--11--1997.

Dictated in open Court.

SSS.

C.C. by tomorrow (25.11.97).
(B.O)

B. S. Jai Parameshwar
24.11.97.

D. R.

DA.1575/97

Copy to:-

1. The Senior Divisional Operation Manager, O/o The Divisional Railway Manager, South Central Railway, Vajayawada.
2. One copy to Mr. B. Ramesh, Advocate, CAT., Hyd.
3. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., AT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate.

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CC Today

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28/11/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 24/11/97

ORDER/JUDGMENT

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

in

D.A.NO. 1575/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

