

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..  
O.A.No.587/1997.

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Date of decision: 6-6-1997.  
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Between:

Syed Fareeduddin. .. .. Applicant

and

1. The General Manager, South Central Railway, Secunderabad.
2. The Dy. Chief Accounts Officer, South Central Railway, Secunderabad.
3. The Financial Advisor & Chief Accounts Officer, South Central Railway, Rail Nilayam, Secunderabad.

Respondents.

Counsel for the applicant: Sri G. Ravindra Reddy.

Counsel for the respondents: Sri N.R. Devraj, Senior Standing Counsel for the respondents.

CORAM:

HON'BLE SHRI R. RANGARAJAN, Member (A)

HON'BLE SHRI B.S. JAI PARAMESHWAR, MEMBER (J)

JUDGMENT:

(by Hon'ble Shri R. Rangarajan, Member (A))

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The applicant in this O.A., while working as Chief Cashier was removed from service by Memo No.A/CP/12/102 dated 26-3-1985 (page 2 of the O.A.). The applicant challenged that removal Order by filing O.A.No.352/86 which was disposed of on 29-8-1989 (Annexure I to the O.A.). The operative portion of that judgment reads as follows:

"We have considered the above contention of Sri Surendra Rao, learned counsel for the applicant. Applying the decision of the

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Full Bench referred to above, we have to hold that the Disciplinary Authority viz., the Chief Cashier, South Central Railway, Secunderabad, is not competent to impose the penalty of removal from service upon the applicant, who is admittedly a non-gazetted Railway servant. Accordingly we quash the order of removal from service issued by him in Memorandum No. A/CP/12/102 dated 26-3-1985, confirmed in appeal vide Proceedings No. A/CP/12/102 dated 25-6-1985 of Dy. Chief Accounts Officer, S.C.Railway, Secunderabad- 2nd respondent."

The respondents filed SLP No. 2006/1990. It is stated that SLP. was dismissed by the Supreme Court by its Order dated 5-1-1995 (Annexure II - Page 19 of the O.A.). The applicant filed a contempt petition No. 81/1995 for not implementing the orders of the Tribunal in O.A. 352/1986. That petition was disposed of by an Order dated 4-7-1996 (Annexure XXX VI to the O.A.) leaving it open to the applicant to file a proper representation in regard to the consequential benefits of his reinstatement on the basis of the directions given in O.A. 352/1956 and in the event of being aggrieved with the decision on that representation to adopt such other legal remedies as/~~available~~ in accordance with law to challenge the correctness of the Order d/19-4-1996

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When the contempt petition was pending the applicant was reinstated with effect from 19--4--1996 by Order No.11 dated 19--4--1996 (Page No. 32 of the O.A.). In that Order, it is stated that/manner as to how the intervening period from the date of removal to the date of reinstatement will be decided under rule 1344(2) R.II (1987 Edition) depending upon the decision. The applicant after the disposal of the contempt petition submitted a representation dated 8--7--1996 (Annexure IV to the O.A.) for granting him the consequential benefits. But it is stated that representation was not disposed of. Hence, he got a lawyer's notice issued on 30--1--1997 (Annexure V page (Page 30 of the O.A.). Sri Ravindra Reddy, learned counsel for the applicant states that even the lawyer's notice was not replied.

In the above above circumstances, the applicant has filed this O.A. praying for a direction to the respondents to treat him as being continued in service from the date of removal and for a consequential direction to the respondents to give him his due seniority and promotion and other consequential monetary benefits such as back wages etc., from the date of removal till the date of reinstatement.

The applicant has set out his pleas for getting the consequential benefits in his representation

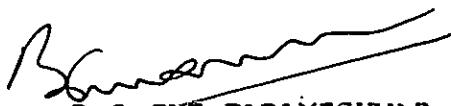
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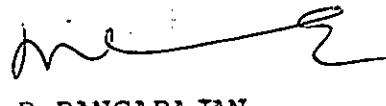
dated 8-7-1996 in pursuance of the direction given in the contempt case. Hence he states that it would be ~~expeditious~~ appropriate to direct the 1st respondent to dispose of his representation in accordance with law expeditiously from the date of receipt of a copy of this order by the respondents.

In the circumstances, we direct the respondents to dispose of the representation dated 8.7.1996 expeditiously in accordance with law.

With the above direction, the O.A., is disposed of at the admission stage itself. No costs. Copy of the O.A., along with the judgment may be sent to the respondents for early action.

  
B.S. JAI PARAMESHWAR,  
MEMBER (J)

6/6/97

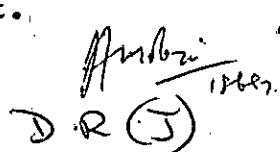
  
R. RANGARAJAN,  
MEMBER (A)

Date: 6-6-1997.

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Dictated in open Court.

sss.

  
D.R. (J)

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**Copy to:**

1. The General Manager, South Central Railway, Secunderabad.
2. The Dy. Chief Accounts Officer, South Central Railway, Secunderabad.
3. The Financial Adviser & Chief Accounts Officer, South Central Railway, Railnilayam, Secunderabad.
4. One copy to Mr.G.Ravindra Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Senior CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

Self  
10/7/97

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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 6/6/97

ORDER/JUDGEMENT

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

in  
D.A.NO. 587/97

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.

केन्द्रीय प्रशासनिक अधिकार सभा  
Central Administrative Tribunal  
संधर्म/DESPETGII

23 JUN 1997

हैदराबाद आयोगी  
HYDERABAD BENCH