

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 656/97

Date of Order: 20-5-97

Between:

G. Anjanalah.

and

.. Applicant.

1. The Senior Divisional Operations Manager,  
Waltair.O/o the Divisional Railway Manager/OPTG  
Waltair, SE Rly, Visakhapatnam.2. The Divisional Railway Manager/OPTG  
Waltair SE Rly, Visakhapatnam.

.. Respondents.

For the Applicant: Mr. K.V. Subrahmanya Narsu, Advocate.

For the Respondents: Mr. C.V. Malla Reddy, SE Rlys.

CORAM:

THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (ALMN)

The Tribunal made the following Order:-

Heard Sri K.V. Subrahmanya Narsu for the applicant  
and Sri Malla Reddy for the respondents.

The sole grievance of the applicant, as well as the only ground of this O.A. is that he has received a Notice in the shape of the impugned Memorandum proposing his removal from service which is issued by an Officer who is not competent to do so. According to the applicant, it is only the Divisional Railway Manager (DRM) who is the Appointing/Disciplinary/Competent Authority to issue such Notice and not Respondent No.1. No other issue or fact is in dispute. The applicant also relies on a Circular issued by the Railway Board in 1950 (only an extract of the circular has been filed) which contains certain instructions as regards the procedure for imposing penalties in cases of conviction of Railway employees by Courts of law.

Sri Malla Reddy undertakes to obtain instructions and submit his reply.

The learned counsel for the applicant prays for interim relief as prayed for in the O.A. This is bitterly opposed by Sri Malla Reddy, learned counsel for the respondents.

Considering the overall circumstances and facts of the case, the O.A. is admitted. The respondents may file their counter within four weeks.

As regards the prayer for interim relief, the matter is posted for further orders to June, 11, 1997, as agreed to by both sides. In the meanwhile, if the applicant has not already been relieved of his

duties in pursuance of the impugned order, he shall not be so relieved until June 12, 1997.

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Deputy Registrar(J)CC

TO

1. The Senior Divisional Operations Manager,  
Waltair.  
O/o The Divisional Railway Manager/OPTG  
Waltair, SE Rly, Visakhapatnam.
2. The Divisional Railway Manager/OPTG  
Waltair SE Rly, Visakhapatnam.
3. One copy to Mr.K.V.Subrahmanya Narsu, Advocate, CAT.Hyd.
4. One copy to Mr.C.V.Malla Reddy, SE Rlys, CAT.Hyd.
5. One copy spare.

pvm.

In The CAT, Hyd. Bench, Hyd

The Hon'ble Mr. H. Rajendra Prasad  
Member(A).

Dated :- 20/5/97,

OA 656/97

Directions

