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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

OA No. 674/97

Date of Decision: 27-5-1997

BETWEEN:

G. KRISHNA

.. Applicant

AND

1. Senior Divisional Commercial Manager,
South Central Railway, Vijayawada.
2. Chief Ticket Inspector (General),
South Central Railway, Vijayawada
3. Divisional Railway Manager,
South Central Railway, Vijayawada
4. General Manager,
South Central Railway,
Rail Nilayam, Secunderanad

.. Respondents

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

Counsel for the Respondents: V. Rajeswara Rao

Coram:

THE HON'BLE SRI R. RANGARAJAN: MEMBER (ADMN.)

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ORDER

(Oral order per Hon'ble Sri R. Rangarajan: Member(Admn.)

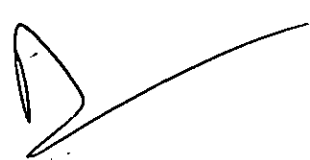
Heard Sri G.V. Subba Rao, learned counsel for the applicant and Sri V. Rajeswara Rao, learned standing counsel for the respondents.

The applicant while working as a Chief Ticket Inspector in the scale of Rs.2000 - 3,200/- was suspended by Respondent-2 by his memorandum No.CTI/G.5/Staff/DAE/96/Mar. Dt.5.3.96 (Annexure-I at page-11 of the OA). That suspension order was confirmed by the Respondent-1 by the impugned memo No.B/C.568/Staff/1/96 Dt.4/8-3-1996. Thereafter the applicant submitted a representation to the Sr. D.C.M. for revoking his suspension. But that representation was rejected by the impugned Memo No.B/C.568/Staff/1/96 dated 5/6.2.1997 (Annexure-3, page-13 of OA).

The applicant submits that he is under suspension for more than a year and hence he pleads that his suspension should be revoked and he should be put back to duty.

This OA is filed for quashing the impugned Memo Dt.5.3.96, and 4/8.3.96 whereby the applicant was kept under suspension and the impugned order Dt.5/6.2.97 whereby his representation for revocation of suspension order was rejected by holding the same as arbitrary, illegal and unconstitutional and for a consequential direction to the respondents to put him back to service with all consequential benefits.

The learned counsel for the respondents submits that this case is under consideration and will be decided



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in 3 weeks' time. In view of the above position the respondents submit that no direction is necessary in this case.

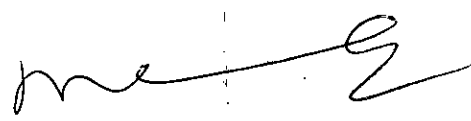
In similar cases this Tribunal passed orders to continue suspension for short period and within that period the charge-sheet should be issued to the delinquent employee. If the charge-sheet is not issued within that period, the suspension order has to be revoked. But that revocation does not bar the continuance of the disciplinary proceedings for which the employee was suspended.

In this case also that view will hold good.

In view of the above the following direction is given:-

R-1 should issue charge sheet within 1 month from the date of receipt of this order. If the charge sheet is not issued within that period the suspension should be revoked and the applicant should be put back to duty. If within that one month charge-sheet is filed in appropriate court by the CBI then also the revocation of suspension order need not be done, if the suspension is required to be continued. If the suspension order is revoked and the applicant is put back to duty in view of the fact that neither the charge-sheet was issued by the departmental authority nor the charge-sheet by the CBI is filed in the appropriate court, then the revocation of suspension will not stand as a bar to the respondents to continue the disciplinary proceedings for which the applicant was suspended.

The OA is disposed of at the admission stage itself as above. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

Date: 27th May 1997

KSM


Deputy Registrar

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O.A.674/97

To

1. The Senior Divisional Commercial Manager,
SC Rly, Vijayawada.
2. The Chief Ticket Inspector(General)
SC Rly, Vijayawada.
3. The Divisional Railway Manager,
SC Rly, Vijayawada.
4. The General Manager,
SC Rly, Railnilayam, Secunderabad.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to Mr.V.Rajeswar Rao, Addl.CGSC.CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm

28/5/97
12/6/97

Urgent

IT COURT

1.

28/5/97

TYPED BY

CHECKED BY

COMPALED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR. *Rangarajan*
RASENDRA PRASAD M(A)

Dated: 27-5-1997

ORDER/JUDGMENT

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

in

G.A.No.

T.A.No.

674/97

(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

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