

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.71/97

DATE OF ORDER : 22-01-1997.

Between :-

A.S.Murthy

... Applicant

And

1. Divisional Commercial Manager,
SC Rlys, Vijayawada Divn.,
Vijayawada, Krishna District.
2. Sr.Divisional Commercial Manager,
SC Rlys, Vijayawada Divn.,
Vijayawada, Krishna District.
3. General Manager,
SC Rlys, Rail Nilayam,
Sec'bad.

... Respondents

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Counsel for the Applicant : Shri B.Narasimha Sarma

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys

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CORAM:

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

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

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

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Re

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... 2.

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

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Heard Shri Jacob for Shri B.Narasimha Sarma, for the applicant and Shri V.Bhimanna, standing counsel for the respondents.

2. The applicant while working as Head Travelling Ticket Examiner, in the grade of Rs.1400-2300 was suspended by the impugned order No.B/C.Con/4/96 dt.23-2-96 (Annexure A-I). This order is challenged in this O.A.

3. The applicant's contention is that the suspension order was issued way back in February, '96 and so far no charge sheet has been issued to him. He was also not informed the reasons ^{for} suspending him. He is kept in darkness. He has filed representations at Annexures II and III to put him back ⁱⁿ duty as the suspension has been issued long back and he is also not aware of the reasons for the suspension. It is stated that no reply was given to the said representations. The applicant further submits that the Tribunal in similar case ^{in OA} No.1222/96 decided on 6-11-96 has set aside the suspension order therein, ^{As} this case is also similar to OA 1222/96 the same relief may also be given to him.


4. The learned counsel for the respondents submit that it is a CBI case and it ^{may} take some more time to issue a charge sheet. However, he is not able to explain the unreasonable long delay in issuing charge sheet. Considering the above facts, we are of the opinion that at this stage we cannot set aside the suspension order and ^{to} give some more time to ~~not~~ issue a charge sheet. In case if the respondents fail to issue a charge sheet within the time to be stipulated by us, then the applicant

- 3 -

should be re-instated back into service, but that will not stand in the way of the respondents to issue a charge sheet thereafter even if the applicant is re-instated into service. In view of this, the O.A. is disposed of as under :-

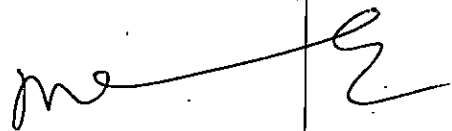
The respondents should issue charge-sheet within 45 days ~~xxx~~ from the date of receipt of a copy of this order. If the charge sheet is not issued, within the stipulated time then the applicant should be re-instated back into service. But that re-instatement in pursuance of this order shall not stand in the way of the respondents to issue a charge sheet even thereafter.

5. No order as to costs.



(B.S. JAI PARAMESHWAR)
Member (J)

22.1.97



(R. RANGARAJAN)
Member (A)

Dated: 22nd January, 1997.

Dictated in Open Court.

Prs. to
22.1.97
Dy. Reg. (S)

avl/

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Copy to:-

1. Divisional Commercial Manager, S.C.Rlys, Vijayawada Division, Vijayawada, Krishna Dist.
2. Sr. Divisional Commercial Manager, S.C.Rlys, Vijayawada Divn., Vijayawada, Krishna Dist.
3. General Manager, S.C.Rlys, Rail Nilayam, Secunderabad.
4. One copy to Sri. B.Narasimha Sarma, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

URGENT

21/1/97

TYPED BY _____ CHECKED BY _____
COMPOSED BY _____ APPROVED BY _____

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

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

AND

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

DATED: 22/1/97

Order/Judgement
R.P/C.P/M.A.NO.

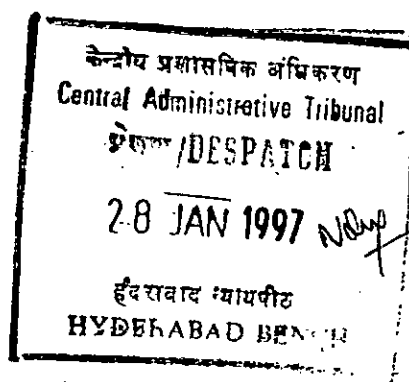
O.A.NO.

in
21/97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
DISMISSED FOR DEFAULT
ORDERED/REJECTED
NO ORDER AS TO COSTS

II COURT

YLKR



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