

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.819/97.

DATE OF ORDER : 08-07-1997.

Between :-

G.Narasinga Rao

.. Applicant

And

1. The Additional Divisional Railway Manager, SC Rlys (BG), Commercial Branch, II Floor, Sanchalan Bhavan, Sec'bad.
2. The Sr.Divisional Commercial Manager, SC Rlys (BG), Commercial Branch, II Floor, Sanchalan Bhavan, Sec'bad.
3. The Divisional Commercial Manager, SC Rlys (BG), Commercial Branch, II Floor, Sanchalan Bhavan, Sec'Bad.

.. Respondents

-- -- --

Counsel for the Applicant : Shri P.Krishna Reddy

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

-- -- --

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) ).

-- -- --

... 2.

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

-- -- --

Heard Mrs. Sharada for Mr.P.Krishna Reddy, counsel for the applicant and Mr.N.R.Devaraj, standing counsel for respondents.

2. The applicant while working as Ticket Collector was issued with a charge memorandum dt.26-12-95 (Annexure-XII to OA).

The said charges reads as follows :-

"That the said Sri G.Narasinga Rao, TC/SC while working as such on 11.10.95 by 7201 Golconda Express in between BZA-KZS has failed to maintain absolute integrity, devotion to duty and also acted in a manner of unbecoming of a Railway servant and has committed the following serious irregularities in that,

"(a)he has demanded and accepted Rs.10/- from a decoy passenger for his travel from BZA-DKJ and has not issued any receipt and thus violated para 2427(b) and 2430(a) of IRCM Vol.II".

(b)that he was in possession of Rs.27/- excess in Railway cash and thus responsible vide para 2429 (a) of IRCM Vol.II".

By the above acts of omission and commission, Sri G.Narasinga Rao has violated Rule 3(1)(i)(ii) of Railway services (Conduct) Rules, 1966."

The enquiry was conducted and the enquiry officer came to the conclusion that applicant had violated Rule 3(1)(i)(ii)&(iii) of Railway Services (Conduct) Rules, 1966.by holding that the charges are partly proved. The applicant was given a copy of the enquiry report and was directed to submit his explanation. It is stated that the applicant had submitted his defence statement. Thereafter the Disciplinary Authority imposed punishment of stoppage of increments by order No.CON/SC/C/107/95 dt.14-5-96 (Annexure-VI, page-15 to OA). Against that impugned order, the applicant

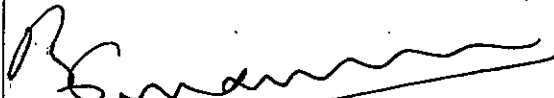
submitted his appeal to Respondent No.2 by his representation <sup>which was rejected by order dated 28/6/96</sup> dt.31-5-96 (Annexure-IV, page-13 to OA). Both these orders are impugned in this OA.


3. In this <sup>appeal</sup> ~~representation~~ the applicant appears to have submitted that the Vigilance Inspector booked this case before he could complete the transaction of making a receipt for the money received from the passenger. The above contention is in para-4 of the appeal. The Appellate Authority disposed of the appeal by memorandum No.CON/SC/107/95 dt.28-6-96. In that, the above said submission of the applicant has not been considered. The appellate authority has disposed of the appeal stating that he found no reason to reduce the punishment." No reasons mentioned for upholding the punishment <sup>are</sup> ~~is~~ stated after analysing the plea of the applicant as above. The Appellate Authority also did not state that the enquiry was conducted in accordance with the rules and that he found no reason to interfere with. Thus the appellate authority has not followed the procedure as laid down under Rule-22 of Railway Servants (Discipline & Appeal) Rules, 1968. Hence we are of the opinion that the appellate authority has not applied his mind while disposing of the appeal of the applicant <sup>herein</sup>. The applicant now in this OA submits that a pre-conceived notion <sup>was</sup> taken by the Enquiry Officer <sup>which</sup> resulted in a wrong finding. But this contention had not been mentioned by him either in the defence statement or in the appeal submitted to respondent No.2. In any case the view now we are taking may help the applicant to submit a fresh appeal in addition to earlier one taking into account the contention now made as indicated above.

4. In the result, the memorandum No.CON/SC/C/107/95 dt.28-6-96 and the memorandum No.CON/SC/C/107/94 dt.11-2-97 of the revising authority <sup>and the Appellate Authority</sup> are set aside. The applicant is permitted to

file a fresh appeal taking all the contentions available to him  
within <sup>one</sup> / month from the date of receipt of a copy of this order.  
If such an appeal is received by Respondent No.2, the same should  
be disposed of within 2 months from the date of receipt of the  
same. If no representation is received, ~~then~~ within the stipulated  
time, the appellate authority is free to dispose of his earlier  
appeal dt.31-5-96 in accordance with the law.

4. Original Application is ordered accordingly at the admis-  
sion stage itself. No order as to costs.

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

  
(R. RANGARAJAN)  
Member (A)

8/7/97

Dated: 8th July, 1997.  
Dictated in Open Court.

av1/

  
D.R. (J)

Copy to:

1. The Additional Divisional Railway Manager, South Central Railway (BG), Commercial Branch, II Floor, Sanchalan Bhavan, Secunderabad.
2. The Sr. Divisional Commercial Manager, South Central Railway, (BG), Commercial Branch, II Floor, Sanchalan Bhavan, Secunderabad.
3. The Divisional Commercial Manager, South Central Railway, (BG), Commercial Branch, II Floor, Sanchalan Bhavan, Secunderabad.
4. One copy to Mr. R. P. Krishna Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

21/7/97  
(7)

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)

DATE: 8/7/97

ORDER/JUDGEMENT

PLA / PLA / C.A. NO.

D.A. NO. 8/8/97

~~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 अधिकरण  
Central Administrative Tribunal

प्रेषण/DESPATCH

21 JUL 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH