

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A.No.849/97.

Dt. of Decision : 1.1.98

Ch. Somaraju

.. Applicant.

Vs

1. The Union of India, rep. by  
the General Manager, SC Rly,  
Rail Nilayam, Sec'bad-71.
2. The Railway Board  
Min. of Railways, Union of India,  
Rep. by Member (Staff),  
Rail Bhavan, New Delhi-1.
3. The Manager & Correspondent,  
Railway School &  
Sr. Divl. Personnel Officer,  
SC Rly, Vijayawada.

.. Respondents.

Counsel for the applicant : Mr.G.Ramachandra Rao

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

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

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

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.G.Ramachandra Rao, learned counsel for the  
applicant and Mr.V.Rajeswara Rao, learned counsel for the  
respondents.

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2. The facts of this case are as follows:-

The applicant while working as a Graduate Assistant in the Railway School, Bitragunta, Nellore District was kept under suspension by an order dated 3-10-85 by R-3. R-3 has issued a charge memorandum under Rule 11 of the Railway Servant (D&A) Rules, 1968 for imposing minor penalty by memorandum No.B/P. 227/IV/85/33 dt.18-10-85 (Annexure-I). The applicant replied that memorandum vide his letter dated 21-11-85 (Annexure-II). However the charge memo for minor penalty dt. 18-10-85 was cancelled by the letter No.B/P.227/IV/85/33 dt.8-4-86 (Annexure-III).

3. Thereafter memorandum No.B/P.227/IV/86/1 dt.25-4-86 (Annexure-IV) under Rule-9 of the Railway Servant (D&A) Rules, 1968 for imposing major penalty was issued by R-3 viz., The Sr. Divisional Personnel Officer, Vijayawada. The charges in that memorandum reads as follows:-

"ARTICLE-I. That the said Shri Ch.Somaraju, while functioning as Graduate Assistant, RMHS/TM/BTR during July 1985 has committed gross misconduct in that he misbehaved with a girl student by name Kum.G.V.Suseela of IX Class 'B' Section during recess period at about 16.00 Hrs. on 26-7-85. He made overtures suggesting her illicit relationship with him and sexual advances comparing her as beautiful as Vijayasanthi, assuring her against pregnancy due to his undergone vasectomy to which she broke down and started weeping as witnessed by other classmates, T.Tirupathi, Ramanaiah, Prameela, Kesvulu, on their just entering the class room after recess/noticing that Shri Somaraju heridly left the class room. As a member of teachers community there is no greater sin than his departure from moral rectitude. This is a case of offence forging on the crop".

The Annexure-III gives the list of documents relied upon to sustain the charges. The list of documents enclosed to the memorandum Annexure-III are reproduced below:-

- "1.Kum.G.V.Suseela (Student Statement dated 28-8-85.
  2. Shri G.Venkateswara Rao (Father) of Miss.G.V.Suseela's report date 12-8-85.
  3. Statement of Shri D.Kesavulu, XI-B Class (Student) dated 12-8-85.
  4. Statement of Shri S.V.Ramanaiah, IX-B Class (Student) dated 12-8-85.
  5. Statement of Miss Y.Praveela, IX-B (Student) dated 13-8-85.
  6. Statement of Shri T.Thirupathi, IX-B Class (Student) dated 28-8-85."
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The memorandum at Annexure-IV gives the list of witnesses by whom the articles of charge framed against the applicant are proposed to be sustained. The names of the witnesses are reproduced below:-

- "1. Kumari G.V. Suseela (Complainant).
2. Shri G. Venkateswara Rao, Traction Asst. Driver, E.236/BTTR.
3. Shri D. Kesavulu, IX-B Student, RMHS/TM/BTTR.
4. Shri S.V. Ramanaiah, IX-B Student, RMHS/TM/BTTR.
5. Shri T. Thirupathi, IX-B Student, RMHS/TM/BTTR.
6. Kum. Y. Prameela, IX-B Student, RMHS/TM/BTTR."

An enquiry was conducted against the said charges by the enquiry officer viz., Assistant Personnel Officer (Mechanical), Vijayawada who submitted his report dated Nil (Annexure-V). The enquiry officer had relied upon the deposition of the witness, ~~of~~ Kum. Prameela to come to the conclusion and statements of other 3 witnesses viz., Shri S.V. Ramanaiah, Shri D. Kesavulu and Mr. T. Thirupathaiah were not taken into cognizance as it is stated in the report that their statements <sup>ed</sup> appear to be an effort on their part to get out of the case.

4. On the basis of the enquiry R-3 viz., The Sr. Divl. Personnel Officer, Vijayawada imposed penalty of removal of the applicant from service w.e.f., 8-12-86 by memorandum No. B/P.227/IV/86/1 dated 3-12-86 (Annexure-VI). The order of R-3 relied on the statement of Kum. Prameela and also the fact that the delinquent who is the applicant herein though presented a <sup>of</sup> list of six names as witnesses, could present only two and that it was observed by R-3 that witnesses must have backed out as they <sup>did</sup> not want to give false statements. The applicant filed an appeal on 14-12-86 against the order of R-3 dated 3-12-86. That appeal was rejected which was conveyed to him by letter No. B/P.89/IV/86/1 dated 30-12-86 (Annexure-VII). The applicant also filed a review petition under Rule 25 of the Railway Servant (D&A) Rules, 1968 addressed to the General Manager. That review

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petition was disposed of by the Chief Personnel Officer, SC Railway rejecting the petition and confirming the penalty of removal imposed on the applicant by memorandum No.P.90/D&A/BZA/CHSR/701 dt. 14-6-87 (Annexure-VIII).

5. The applicant thereafter filed OA.428/87. That OA was dismissed and confirmed the penalty order. Against that order in that OA a Review Application bearing No.31/87 was filed by the applicant on the file of this Bench, which was disposed of on 29-2-88 (Annexure-IX). It was held by the Tribunal that "only the highest among the appointing authority is competent to impose a major penalty specified in Rule-6 of the Railway Servant (D&A) Rules, 1968." The contentions raised by the applicant in his original application was that the question viz., the Sr.D.P.O. R-3 herein who imposed the punishment in his case <sup>was</sup> ~~is~~ not a competent authority to impose the penalty of removal from service was not dealt with by the Tribunal in their order dated 7-8-88 in OA.428/87. Hence the matter has to be reviewed. Accordingly, the RA was disposed off allowing the main application. In view of the above the punishment of removal was set aside.

6. The applicant filed a Contempt Petition No.23/88 (Annexure-X) for not complying with the orders in the review application No.31/87. That CP was disposed of directing the respondents to implement the order in the review petition within a period of two months from the date of that order. To comply with the orders of the Tribunal in the Contempt Petition the memorandum No.D/P.227/IV/86-1 dt. 1-11-88 (Annexure-XI) was issued. It was informed in that letter that the salary of the applicant is to be drawn on notional reinstatement w.e.f., 1-11-88 at the rate he was drawing at the time of his removal from service. Thus it is stated that he was not asked to discharge the duties of the Graduate Assistant in that School though he was paid the salary. In the meantime, the respondents have also approached the Apex Court appealing against the order of this Tribunal in the RA.

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7. The SLP filed <sup>before</sup> on the Apex Court against the Review application was disposed of by order dt. 30-3-95 dismissing the appeal. The order of Apex Court reads as below:-

"Even though the conduct of the respondent is reprehensible yet the Tribunal having interfered on a technical ground that he was dismissed from the service by the Authority who was not the Disciplinary Authority, it is not expedient to decide this appeal on merits at this distance of time when no interim order was granted by this Court and the respondent is working now for more than five years.

In the result, the appeal fails and is dismissed. There shall be no order as to costs."

8. Thereafter the respondents once again started the enquiry proceedings from the stage of completion of enquiry report by submitting the file to the General Manager R-1 herein for his order as he is the highest of the appointing authority. R-1 by his order No.P.90/D&A/bza/CHSR/701 dt. 26-2-96 (Annexure-XIV) passed the order removing the applicant from service with immediate effect. The order of R-1 states that "Ms.Prameela, another witness, who gave similar statement as of the above two was emphatic in repeating the same during the departmental enquiry". Out of 8 defence witnesses cited the charged official produced only two witnesses and he could not produce 6 other witnesses which goes to prove that the defence witnesses were not willing to depose in a false manner." It is also stated in the order that the deposition of witnesses viz., Shri Ramanaiah, Kesavulu and Tirupathiah are unreliable. R-1 relied on the <sup>Evidence</sup> only witness viz., Ms.Prameela.

9. Against that order of R-1 the applicant filed an appeal to the Railway Board which was disposed of by the Member Staff on 17-4-97 by a speaking order which was conveyed to him by letter No.B/P.89/IV/86/1 dated 23-5-97 (Annexure-XV). The appeal was also rejected.

10. This OA is filed praying for setting aside the order dated 26-2-96 of R-1 and the order of R-2 dated 17-4-97 conveyed

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to him by memo No.B/P.89/IV/86/1 dt.23-5-97 by holding the same as illegal and for a consequential direction to reinstate the applicant in <sup>to</sup> service with all attendant and consequential benefits including seniority, arrears of pay, promotion to the next higher post etc.

11. The contentions of the applicant are analysed as follows on the basis of the reply as well as Rules and citations of the Apex Court quoted in this case.

12. The <sup>first</sup> contention of the applicant is that there is no direction in the order of this Tribunal in the Review petition No.31/87 in OA.428/87 for continuing the disciplinary proceedings from the stage of enquiry. If that is the intention of the Tribunal to continue the case from the stage of enquiry report the Tribunal would have directed the respondents to continue from the stage of enquiry report in the order in the review application. When no such direction is given, the respondents are prohibited to continue the case further. Hence the consideration of this case by R-1 by passing the removal order and rejection of his appeal by R-2 is illegal and against the direction of this Tribunal.

13. The applicant also submits that the case is closed by the Apex Court by its order dated 30-3-95 on the appeal filed by the respondents against the directions in the RA. The order of the <sup>Hon'ble</sup> Supreme Court had already been extracted as above. The learned counsel for the applicant submits that the appeal was not decided on merit by the Apex Court and as the applicant was working for more than 5 years the appeal was dismissed. Hence the proceedings of this case ~~from the stage of enquiry~~ from the stage of submission of the enquiry report is against the instructions of the Apex Court and hence the issue of the order by R-1 and R-2 <sup>are liable</sup> ~~has~~ to be set aside.

14. Before we go into the contentions raised above, we want to make it clear that this Tribunal cannot interpret the orders

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<sup>Hon'ble</sup> of the Supreme Court as this is a Subordinate <sup>Tribunal</sup> Court. If the applicant is of the opinion that the case is not to be proceeded further in view of the Apex Court judgement he should have approached the Apex Court for necessary clarification/interpretation of the the orders of the Apex Court. We refrain from giving any interpretation on the orders of the <sup>Hon'ble</sup> Supreme Court. The applicant may approach the <sup>Hon'ble</sup> Supreme Court for necessary clarification, if so advised.

15. Having said so we proceed only to the extent of deciding the case in regard to the legality of passing the removal orders by R-1 and the appellate order by R-2 which are challenged in this OA. We make it clear that the orders in this OA in no way interpret<sup>e</sup>s the orders of the Apex Court and as stated earlier the applicant may obtain necessary interpretation to the judgement of the Apex Court, if so advised, and approach the respondent authorities for implementation of that order even if this OA is dismissed.

16. The point for consideration is whether the applicant can be proceeded against from the stage of enquiry report if nothing is stated in regard to the continuance of his case in the review application by this Tribunal.

17. The Apex Court in the reported case 1997 SCC (L&S) 1277 (Board of Management of S.V.T.Educational Insitution and Another Vs. A.Raghupathy Bhat & Ors) had held that "foreclosure of the enquiry when the appeal is dismissed on technical grounds by the High Court is not valid and enquiry therefore directed to be continued deeming the employee to be under suspension during the continuance of the enquiry". That observation was given in that case because of <sup>Sections</sup> ~~Rule~~ 12(3) and 12(4) <sup>of the</sup> ~~in~~ Karnataka Private Educational Institutions (Discipline & Control) Act, 1975. Hence it may be said that the continuance of the enquiry was provided for under Rule 12(3) and Rule 12(4) of the <sup>Act</sup> ~~rules~~ <sup>by</sup> that

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organisation. As no rule is quoted in the present case it is to be seen whether even without the rule when a punishment is set aside by a competent Court/Tribunal due to technical fault whether the disciplinary proceedings can be continued from the appropriate stage.

18. The reported case 1997 SCC (L&S) 335 (Chief Engineer & Another Vs. K.Raman) gives more specific direction in regard to this point. The Apex Court observed as follows:-

"We are also of the opinion that the learned Member was not right in observing that inasmuch as the earlier order of the Tribunal did not grant any permission to the appellants to hold a disciplinary enquiry, no such enquiry could have been held. For holding a disciplinary enquiry according to rules, no permission of the Tribunal was required. The earlier order declaring that the respondent must be deemed to have resigned from service with effect from 1-4-84 was set aside, as stated above, on the ground that it was passed without holding an enquiry as per rules and in violation of the principles of natural justice. It did not bar a disciplinary enquiry according to rules and the principles of natural justice".

19. In view of the above observations of the Apex Court, we have no doubt in our mind to state that the respondents do not over react and continuance of the enquiry from the <sup>a</sup> stage of submission of the enquiry report is in order. Any order passed in the disciplinary cases by the Court/Tribunal setting aside the order of punishment on technical grounds ~~shall~~ <sup>should</sup> not stand in the way of the respondent organisation to continue the disciplinary proceedings from the appropriate stage even if the Tribunal does not explicitly state so in its order. In the present case the order of removal passed by R-3 was set aside in the review application No.31/87 by this Tribunal. It has not set aside the enquiry report. Hence we do not find any infirmity in continuing the disciplinary proceedings against the applicant from the stage of completion of the enquiry report by passing orders on the enquiry report by the competent authority viz., R-1 herein. The applicant's appeal to R-2 was also rejected for reasons stated

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therein. Hence the contention that since no direction was given for continuing the case in the disciplinary proceedings in the review application the respondents are barred from continuing his case is not tenable.

20. The second contention of the applicant is that even the charge sheet for major penalty under Rule 9 of the Railway Servant (D&A) Rules, 1968 dated 25-4-86 was issued by an incompetent authority viz., R-3 herein - The Sr.Divl.Personnel Officer, Vijayawada. For this contention the applicant submitted that Rule 2 (1)(c) of the Railway Servant (D&A) Rules, 1968 defines the disciplinary authority. As per Rule 2(1)(c)(iii) of the said rule R-3 is not competent to issue the charge sheet for major penalty.

21. Rule 2(1)(c)(iii) reads as below:-

"(iii) in relation to Rule 9 in the case of any non-gazetted railway servant, an authority competent to impose any of the major penalties specified in Rule 6;"

He submits that in relation to Rule 9 the disciplinary authority for a non-gazetted railway servant is an authority competent to impose any of the major penalties specified in Rule 6. Since R-3 is not a competent authority to impose any of the major penalties specified in Rule 6 the issue of the charge sheet dated 25-4-86 is illegal. Since the punishment of removal from service issued by R-3 was set aside in the review application No.31/87 by this Tribunal the issue of the charge sheet itself had to be deemed as *defective* ~~faulty~~ one in view of the fact that R-3 is not a competent authority to impose the major penalty of removal from service.

22. Rule 6 in Part-III of the said rule gives "Penalties and disciplinary authorities". Clause (i) to (iv) of Rule 6 *enumerates* ~~gives~~ minor penalties and clause (v) to (ix) *enumerates* ~~gives~~ the major penalties that can be imposed. The removal from services comes under the clause (viii) of Rule 6. That can be imposed only by an authority specified under Rule 9 which gives the procedure for

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imposing major penalties. Since the General Manager is the competent authority to impose that punishment of removal from service, R-3 should not have issued even the charge sheet submits the applicant. As the charge sheet was issued by an incompetent authority and on that basis further impugned order was passed, those orders must necessarily be set aside by allowing this OA. The applicant should be reinstated in service.

23. Rule 8 is very relevant which ~~gives~~ <sup>entitles</sup> appropriate "authority to institute proceedings". Rule 8 reads as follows:-

"Authority to institute proceedings.

(1) The President or any other authority empowered by him, by general or special order, may -

(a) institute disciplinary proceedings against any Railway servant;

(b) direct a disciplinary authority to institute disciplinary proceedings against any Railway servant on whom that disciplinary authority is competent to impose, under these rules, any of the penalties specified in Rule 6.

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of Rule 6 may; subject to the provisions of clause (c) of sub-Rule (1) of Rule 2, institute disciplinary proceedings against any Railway servant for the imposition of any of the penalties specified in clauses (v) to (ix) of Rule 6, notwithstanding that such disciplinary authority is not competent under these rules, to impose any of the latter penalties."

As per clause (b) of Rule 8 (1) the disciplinary authority who is competent to impose the penalties specified in Rule 6 can issue the charge sheet. But as per sub-rule (2) of Rule 8 it is made clear that a disciplinary authority competent to impose any penalties specified in clauses (i) to (iv) of Rule 6 may also institute disciplinary proceedings against the Railway servant for imposition of any penalties specified in clauses (v) to (ix) of Rule 6, notwithstanding that such disciplinary authority is not competent under these rules, to impose any of the latter penalties. The above rule is subject to provision of clause-(c)

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of sub-rule (1) of Rule 2. As per the said sub rule there is no prohibition of an authority competent to impose a minor penalty to issue a chargesheet for major penalties. The applicant submits that Rule 2 (1) (c) should be read together and Rule 2 (1)(c) (iii) should not be read in isolation for coming to the conclusion that an authority competent to impose a minor penalty can issue a major penalty charge sheet. We do not agree with the above interpretation. The rule even if read fully as desired by the learned counsel for the applicant it would only mean that a major penalty can be imposed only by the disciplinary authority who is competent to appoint <sup>the</sup> Railway servant. It no way debars the respondents to issue a major penalty charge sheet by an authority who is competent to impose a minor penalty. The Rule 8 (2) is specific in that respect. It gives permission for an authority who is competent to impose a minor penalty on the Railway servant to issue a major penalty charge sheet, notwithstanding the fact that such an authority is not competent to impose any of the major penalties. Hence in our opinion this contention also is liable only to be rejected.

24. The third contention of the applicant is that the R-1 had reviewed the punishment already passed by R-3 which is irregular instead of passing the order of penalty on the basis of the disciplinary proceedings independently. For this he relies on the following para of the order of R-1. That para is reproduced below:-

"With the dismissal of SLP by Supreme Court on 30-3-95 as stated above, the position of the case is that the orders passed by Sr.DPO/BZA removing Sri Ch. Somaraju and communicated through memorandum No.B/P.227/IV/1 dated 3-12-86 rendered not existing warranting review of the case afresh by the undersigned."

In this para it is stated that the case warrants review of the case afresh by the undersigned i.e., R-1. The learned counsel for the applicant submits that R-1 himself states in the above

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said para that the case is being reviewed afresh which is illegal. As the order of R-3 passed earlier is not existant in view of the judgement in RA the question of review does not arise. Hence the review order passed by R-1 has to be set aside.

25. Some time "words" are "deceptive". Under such ~~a~~ circumstances it is necessary for us to examine the whole order to arrive at a correct meaning for usage of such words. The word review in this connection in our opinion means that the order passed by R-3 earlier removing the applicant from service is not in accordance with rule and hence whole case has to be considered afresh by looking into the enquiry report and other connected matters. The word review indicated above means only that the case is looked afresh for imposing <sup>proper</sup> penalty. It does not mean that R-1 has reviewed the orders of R-3 passed earlier by removing the applicant from service. As stated earlier the word review does not mean that the earlier order of R-3 removing the applicant from service stands good and that R-1 had reviewed that order. Hence, we feel that this contention also cannot be upheld.

26. The fourth and last contention of the applicant is that it is a case of no evidence. The applicant submits that the key witness viz., Shri Ramanaiah, Shri Kesavulu, Shri Thirupathi and Ms. Prameela who saw the charged official and Ms. Suseela in the class room on the day of the incident took place, have not corroborated their earlier statements <sup>during</sup> ~~in~~ the enquiry. Thus, removal of the applicant on the basis of those submission is not warranted. Hence it has to be treated as a case of no evidence.

27. In this connection we have gone through the enquiry file. We have also studied the deposition of the witnesses. It is no doubt that Shri Ramanaiah, Shri Kesavulu and Shri Tirupathiah had <sup>resiled from</sup> ~~withdrawn~~ the earlier statements. But Ms. Prameela in her deposition categorically states <sup>d</sup> that all of them went out

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in the interval <sup>period</sup> and Ms. Suseela was sitting alone in the class room and <sup>was</sup> writing notes. When the bell ~~was~~ rung seeing all the witnesses coming to the class the applicant went out. It is further stated that Ms. Suseela was crying and when she was questioned for her crying, it is stated that "the applicant herein who was a school teacher alleged to have told Ms. Suseela that she looks <sup>ed</sup> like Vijaya Shanti and he <sup>was</sup> ~~is~~ in love with her and <sup>d</sup> have some sex books in his house which will <sup>be</sup> shown to Ms. Suseela." It is also added that the witnesses <sup>reported</sup> to have informed Ms. Suseela to report the matter to her mother. She also confirmed that all of them were available in IX (b) class, when Mrs. Malleswari Bai, teacher was in the class when the applicant asked all of them regarding their presence in the class on that date when the alleged incidence took place.

28. The deposition of Mrs. Malleswari Bai is also relevant in this case. Though she stated that the applicant never came to the 9th class she has said that she gave permission to the ~~children~~ <sup>students</sup> on the request of the applicant to go out side.

29. From the above details it is clear that there is some evidence to come to the conclusion that there was some misbehaviour by the applicant. Mrs. Malleswari Bai submits that she sent the ~~children~~ <sup>students</sup> out side as requested by the applicant herein on that date. If so it is not understood why he should ask the children to come out even if he has <sup>d</sup> not asked any question in the class. The very fact that he took the children out side means <sup>t</sup> he wanted to extract some information from them or give them some warning, if, they report the incidence <sup>t</sup>. This itself goes to prove that the case cannot be dismissed as having no evidence. Further it is also stated that out of 8 defence witnesses cited by him only two were present. This definitely goes to show that the applicant was not succesful in proving his contention that he <sup>was</sup> ~~is~~ not guilty.

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30. The above deposition have been examined very clearly in the enquiry report as well as in the impugned orders of R-1 and R-2. R-1 relied on the statement of Ms. Prameela and held that the statement of Shri Ramanaiah, Shri Kesavulu and Mr. Thirupathi are unreliable on the basis of the evidence available on record. He also dismissed the deposition of the two defence witnesses as not reliable.

31. In the appellate order also the above said deposition of witnesses have been examined by R-2 and came to the conclusion that the applicant is guilty of charges.

32. Ms. Suseela <sup>with</sup> whom the applicant had misbehaved had also given her statement in this connection. That statement cannot be dismissed as <sup>a</sup> concoction. But the young girl Ms. Suseela cannot be questioned further as that will expose her modesty. This is the view taken by the Apex Court in not further examining a girl student in the case reported in 1997 SCC (L&S) 565 (Avinash Nagra Vs. Navodaya Vidyalaya Samiti and Others).

33. In view of what is stated above, we do not consider that the case is decided without evidence. There was evidence and on that basis the respondents have issued the impugned orders. The Court or Tribunal cannot act as an appellate authority. The Court or Tribunal can interfere with the orders of the executive authorities in disciplinary cases only if it is conclusively proved that the case was decided without any evidence. In this case as there was some evidence it is not appropriate for us to set aside the punishment on the basis of the submission of the applicant that the case was decided without any evidence.

34. A teacher is expected to maintain a high moral standard. He acts as a model for the young students in his class. His behaviour should act as an <sup>inspiring</sup> ~~motivating~~ factor for the young students to achieve sterling qualities. If the teacher

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acts in a improper way such an act cannot be viewed lightly. Hence the applicant has to be punished suitably for his misbehaviour.

35. But we find from the OA that the applicant is 54 years old and he is reaching his superannuation shortly. It may be possible that he may have a large family. Hence removing him from service may inflict injury not only on the delinquent applicant herein but also on his family. Hence it is for the respondents to consider whether the removal of the applicant from service needs review if the applicant submits a mercy petition for reducing the penalty. We make it clear tht we do not interfere with the punishment awarded to him. But reviewing the penalty <sup>in case the</sup> applicant submits a mercy petition is only an <sup>passing</sup> observation which <sup>may</sup> ~~can~~ be acted upon if the applicant submits a representation for reduction of the penalty. The respondents are at liberty to take any decision as deemed fit, and as per rules.

36. In view of what is stated above, we find no merits in this OA. Hence this OA is dismissed. However this dismissal will not stand in the way of the applicant to approach the Apex Court if he is so advised for clarification/interpretation of the orders of the Supreme Court.


37. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER(JUDL.)

  
(R. RANGARAJAN)  
MEMBER(ADMN.)

Dated : The 1-1-98

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Copy to:

1. The General Manager, South Central Railway,  
Railnilayam, Secunderabad.
2. The Member(Staff), Railway Board,  
Rail Bhavan, New Delhi.
3. The Manager & Correspondent, Railway School &  
Sr.Divisional Personnel Officer,  
South Central Railway, Vijayawada.
4. One copy to Mr.G.Ramachandra Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.
18. Copy to Reporters, as per list of CAR, Hyderabad.

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TYPED BY  
COMPARED BY

IN THE CENTRAL ADMINI  
HYDERABAD BENCH H

THE HON'BLE MR. B. RANGARAJAN :

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :  
M(3)

DATED: 11/1/98

ORDER/JUDGMENT

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

in.

J.A.NO. 849/92

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

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Central Administrative Tribunal  
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