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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 945/97

Date of Order: 28.7.97

BETWEEN :

K.B.Ratna Raju

.. Applicant.

AND

1. The Divisional Railway Manager,
Hyderabad Division, S.C.Rly.,
Secunderabad.
2. The Divisional Railway Manager (P),
Hyderabad Division, S.C.Rly.,
Secunderabad.
3. The Carriage Repair Section Engineer,
S.C.Rly., Secunderabad.
4. The Deputy Mechanical Engineer (C&W),
Hyderabad Division, S.C.Rly.,
Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. S. Lakshma Reddy

Counsel for the Respondents

.. Mr. D. F. Paul

CORAM:

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

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

JUDGEMENT

((Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.)))

Heard Mr.S.Lakshma Reddy, learned counsel for the applicant and Mr.N.R.Devraj, for Mr.D.F.Paul, learned standing counsel for the respondents.

2. The applicant was removed from service by the impugned order No.YM.198/C&W/Mech.1/92, dt. 10.5.94 for his conviction in criminal case No.68/92 on the file of the 13th Metropolitan Magistrate, Secunderabad for ^{the} ~~an~~ offences punishable under Section No.379 IPC and Section 411 of the IPC by the judgement

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dt. 26.2.93. Against that judgement and conviction he preferred an appeal to the court of sessions in Criminal Appeal No.64/93 and a criminal revision to the High Court in Criminal Revision Case No.234/94; that the criminal revision case was disposed of by the Hon'ble High Court by its order dt. 25.9.96 (A-6). As per this order the revision petition was allowed and the conviction and sentence passed against the petitioner were set aside.

3. On the basis of that judgement of the Hon'ble High Court the applicant submitted a revision petition to CPO for reinstating him back to service with all consequential benefits. That revision petition was disposed of by CPO Lr.No.P.90/HYB/KBR/2182, dt. 12.3.97 which was conveyed to him by R-3 through letter No.YP/535/HYXR, dt. 13.3.97 (A-2). In the 3rd para of the said letter the intervening period between the date of his removal and date of his reinstatement to service was treated as leave without pay and it was also directed that the period would not count as qualifying service. He was posted as CWS Purna as HTXR in the scale of pay of Rs.1600-2660 (RSRP) against higher grade vacancy of CTXR.

4. The applicant submits that he is entitled for backwages and also counting his period of absence as not qualifying service is against the rules. He has submitted a representation against that order, but that representation was rejected by the impugned letter No.YP/535/CSW/HTXR, dt. 13/17.5.97 (A-1).

5. This OA is filed for setting aside the impugned proceedings No.YP/535/HYXR, dt. 13.3.97 (A-2) and the proceedings No.YP/535/CSW/HTXR/97, dt. 13/17.5.97 (A-1) and for a consequential direction to the respondents to treat the period under suspension and also the intervening period from removal to the date of reinstatement as duty for all purposes and pay the applicant the full pay and allowances

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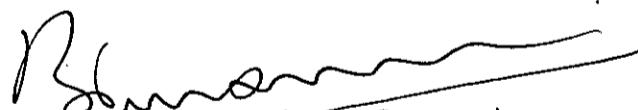
and also promote him on par with juniors with interest on the delayed payment.

6. It is seen from the impugned order dt. 13.3.97 (A-2) that the period in question was decided by CPO, Secunderabad letter dt. 12.3.97. Hence if any appeal is filed that should be disposed of by an higher official higher to CPO, Secunderabad. But the impugned letter dt. 13/17.5.97 (A-1) does not indicate that his representation was considered by the General Manager who is the controlling authority to the CPO and disposed of his representation.

7. In view of the above the letter dt. 13/17.5.97 is set aside and the General Manager, South Central Railway, Secunderabad is directed to dispose of his representation dt. 22.4.97 in accordance with the law within a period of 3 months from the date of receipt of a copy of this order.

8. The OA is ordered accordingly at the admission stage itself. No costs.

9. Registry should send a copy of this OA along with judgement to General Manager, S.C.Railway, Secunderabad.


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

28.7.97

Dated : 28th July, 1997


(R.RANGARAJAN)
Member (Admn.)

(Dictated in Open Court)

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D.R. (J)

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Copy to:

1. The Divisional Railway Manager, Hyderabad Division, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, (P), Hyderabad Division, South Central Railway, Secunderabad.
3. The Carriage Repair Section Engineer, South Central Railway, Secunderabad.
4. The Dy. Mechanical Engineer, (C&W), Hyderabad Division, South Central Railway, Secunderabad.
5. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. D. F. Paul, Addl. CGSC, CAT, Hyderabad.
7. One copy to D. R(A), CAT, Hyderabad.
8. One duplicate copy.
9. one copy to G.M; scdly, Secunder (with changes)

YLKR

8/8/97
S/1/97

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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)

DATED: 28/7/97

ORDER/JUDGEMENT

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

in

O.A. NO. 945/97

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

8/8/97
S/1/97
II Court.

