

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

D.A.No.498 OF 1997.

DATE OF ORDER:26-11-1998.

Between:

A.Rama Rao.

.. Applicant

and

1. The Chief Commercial Manager,
South Central Railway,
Secunderabad.
2. The Additional Divisional Railway
Manager, Hyderabad(MG), South
Central Railway, Secunderabad.
3. The Divisional Commercial Manager,
Hyderabad(MG), South Central
Railway, Secunderabad.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.M.Rama Rao

COUNSEL FOR THE RESPONDENTS:: Mr.D.F.Paul

CORAM:

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

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(JUDL)

: ORDER :

ORAL ORDER(AS PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Mr.V.Suryanarayana Sastry for Mr.M.Rama Rao,
learned Counsel for the Applicant and Mr.D.F.Paul, learned
Standing Counsel for the Respondents.

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2. The applicant in this OA was charged sheeted for his misconduct while working ⁱⁿ Train No.7551 Ajanta Express. The charges levelled against him was issued vide Memorandum No.Y/C.568/TC/9/95, dated:23-5-1995 (Annexure.A-IV, page.14 to the OA). The charge sheet reads as below:-

- 1) He had caused detention of the Train No.7551 of 30-3-95 at KM.457/8-11 for 31 minutes;
- 2) He had indulged in hurling abusive and vulgar words against a co-worker in front of passengers which are unrecordable;
- 3) He had indulged in beating of co-worker as reported.

2. The applicant had not submitted any explanation to the Charge sheet. Hence, the Disciplinary Authority viz., Respondent No.3 passed the penalty order, withholding his increment raising his pay from Rs.1380/- to Rs.1410/- in the grade of Rs.1200-2040/- normally due on 1-11-1998 for a period of three years(non-recovery) by Memorandum No.Y/C/568/TC/9/95-96, dated:5-9-1995(Annexure.A-V to the OA). Against that penalty order, the applicant submitted an Appeal dated:4-11-1995(Annexure.A-VI, page.17 to the OA). By Memorandum No.Y/C/568/TC/10/95, dated: 23-12-1995(Annexure.A-VII, page.19 to the OA), the penalty imposed on him by Respondent No.3 was confirmed by Respondent No.2. The applicant thereafter also filed a Revision Petition dated:7-3-1996(Annexure.A-VIII, page. 20 to the OA). That Revision Petition was also rejected by Respondent No.1 by Order No.P.86/HYB/ARR/2162, dated: 9-10-1996(Annexure.A-IX, page.23 to the OA).

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3. This OA is filed to set aside the proceedings dated: 5-9-1995, which was confirmed by the Appellate Order dated: 23-12-1995 and the Revision Petition Order dated: 9-10-1996 and restore his pay to the original stage.

4. A reply has been filed in this OA. The respondents in the reply submit that the applicant failed to submit his explanation to the Charge sheet and hence the Charge sheet was finalised without his explanation. Further it is also stated in the reply that a fact finding enquiry was conducted and that enquiry revealed that the applicant was responsible for detention of the train resulting ^{as} in train and complaints from the passengers.

5. The applicant submits that he could not file the explanation in time as he was transferred to Akola after resumption from duty and that upset him which resulted in his non-submission of his explanation. Hence, the finalisation of his case without his explanation is not in order.

6. It is not necessary for us to say whether his transfer order to Akola is in order or not. That is a separate issue altogether. However, when a Charge sheet is issued, it is for the delinquent employee to submit his explanation in time. In case he is not able to submit his explanation in time, he should ask for time to submit his explanation. But from the records available before us we find that no such request was made by the applicant to get extra time to submit his explanation to the Charge sheet. The

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authorities concerned after the stipulated period finalised the Charge sheet and issued the penalty order. Hence, at this stage no reversal can be effected and it is not proper for us to interfere with such an Order which was issued in accordance with Law.

7. The applicant in his appeal had stated that the other person viz., Sri N.Ramakrishna Rao, TTI, who was indulged in this incident, was not taken up whereas his case was isolated and he was punished. Hence, the authorities should have examined his case vis-a-vis the case of the other employee viz., Sri N.Ramakrishna Rao, TTI and take a balance decision.

8. We have gone through the Appellate Order dated: 23-12-1995. No doubt the Appellate Order does not indicate the action taken against the other employee, if any. The Appellate Order could have easily indicated in a more elaborate manner the action taken in his case and also the action taken against the other employee. The learned Counsel for the Respondents submit that the dealing of the case of the other employee viz., Sri N.Ramakrishna Rao, in no way will have any repercussions on passing of the penalty order on the applicant and hence, the Appellate Order does not talk about it. He further adds that Sri N.Ramakrishna Rao was also taken up for the incidence and he was also been-punished in a similar fashion. It is also seen from the reply that Sri N.Ramakrishna Rao was also punished by withholding his increment for a period of three years (non-recovery). He was also transferred

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From Nizamabad to Mahaboobnagar.

9. In view of the above, we feel that the applicant had not made out a case to give any relief to him. The Charge Sheet was dealt with in accordance with the rules. We do not find ~~physical~~ ^{any} flaw in the disposal of the Charge Sheet. Hence, we see no reason to interfere with the Disciplinary Proceedings.

10. In view of the fore-going, the OA is liable to be dismissed and accordingly it is dismissed. No costs.

 
(B.S.JAI PARAMESHWAR) (R.RANGARAJAN)
MEMBER (JUDL) MEMBER (ADMN)
26.11.98

Dated: this the 26th day of November, 1998
Dictated to steno in the Open Court

DSN

Arshai
DR 2268

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DA. 498/97

Copy to:-

1. The Chief Commercial Manager, South Central Railway, Secunderabad.
2. The Additional Divisional Railway Manager, Hyderabad (MG), South Central Railway, Secunderabad.
3. The Divisional Commercial Manager, Hyderabad (MG), South Central Railway, Secunderabad.
4. One copy to Mr. M.Rama Rao, Advocate, CAT., Hyd.
5. One copy to Mr. D.F.Paul, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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8/12/98

II COURT

TYPED BY
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CHECKED BY
APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 26/11/98

ORDER/JUDGMENT

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

in

C.A.NO. 498/97

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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