

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1180/97

Date of Order: 10.9.97

BETWEEN :

T.Kama Raju

.. Applicant.

AND

1. Senior Divisional Operating Manager,
S.C.Railway, Vijayawada Division,
Vijayawada, Krishna Dist.

2. Senior Divisional Personnel Officer,
S.C.Rly., Vijayawada Division,
Vijayawada, Krishna Dist.

3. Divisional Railway Manager,
S.C.Rly., Vijayawada Division,
Vijayawada, Krishna Dist.

4. General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad, ..
.. Respondents.

Counsel for the Applicant

.. Mr.B.Narasimha Sarma

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

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr. M.C.Jacob for Mr.B.Narasimha Sarma, learned counsel
for the applicant and Mr.D.F.Paul, learned standing counsel for
the respondents.

2. The applicant in this OA while working as Assistant Station
Master was issued with a charge sheet for certain omissions and
commissions. Before issuing the charge sheet he was kept under

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suspension from 18.8.80 to 2.8.82. The disciplinary authority set aside the charge sheet but they treated the period of suspension as suspension only by order No.B/P.Con.227/III/80/22, dated 6.9.94 (A-4). Against that order the applicant filed OA.1293/95 which was disposed of on 8.8.96. In that OA the Tribunal directed the Respondent No.3 to dispose of the appeal of the applicant enclosed as A-4 to that OA on merits with a speaking order. The respondents had complied with that direction given in that OA by order No. B/P.Con.227/II/O.A.No1293/96, dt. 20.9.96 (A-6). The appellate authority had held that the suspension period from 18.8.80 to 2.8.82 has to be regularised with the benefits treating the period as on duty. The applicant submitted representation on 10.2.97 (A-7) to grant him the consequential benefits of promotion to the scale of pay of Rs.1600-2660 w.e.f. 18.7.87 and to the grade of Rs.2000-3200 w.e.f. 1.3.93 on par with his immediate junior namely Sri P.V.Raghava Reddy and Sri M.Krishna Murthy respectively. It is stated that the said representation is still pending to be disposed of.

3. This OA is filed praying for a direction to the respondents to promote him to the scale of Rs.455-700 (RS) 1.e.f. 1.8.82/1.8.83 to the scale of Rs.1600-2660 (RSRP) w.e.f. 29.5.87 and to the scale of Rs.2000-3200 (RSRP) w.e.f. 1.3.93 on par with his immediate juniors pursuant to the proceedings No.B/P.Con.227/II/O.A.No.1293/95 dt. 20.9.96 treating the period of suspension as on duty and holding the suspension as unjustified and to grant all consequential benefits including arrears of refixation and pensionary benefits after declaring the delay and inaction on the part of the authorities in not granting the said relief as arbitrary, illegal and contrary to the rules.

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4. This OA is similar to O.A.1174/97 which was disposed of on 9.9.97. Hence we dispose of this application also at the admission stage itself as below:-

O.A.1293/95 was disposed of without any direction to consider the applicant's case for promotion on par with his juniors. Merely stating that the consequential benefits should be given shall not mean that the employee should be given all other benefits on that basis. It should have been spelt out properly. The applicant cannot ask for promotion in view of that consequential benefits. In any case the applicant has filed a representation dt. 10.2.97 addressed to R-2 which is yet to be disposed of. Hence the only direction that can be given is to direct R-2 to dispose of his representation dt. 10.2.97 in accordance with the rules after checking the records in this connection.

5. No costs.

6. Registry to send a copy of this OA along with the judgement to R-2.

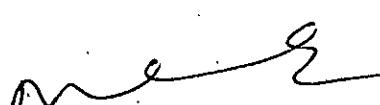

(B.S. JAI PARAMESHWAR)
Member (Judl.)

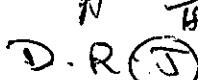
10. 9.97

Dated : 10th September, 1997

(Dictated in Open Court)

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(R.RANGARAJAN)
Member (Admn.)


D.R. (S)

OA.1180/97

1. The Senior Divisional Operating Manager, South Central Railway, Vijayawada Division, Vijayawada.
2. The Sr. Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada.
3. The Divisional Railway Manager, South Central Railway Vijayawada Division, Vijayawada.
4. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
5. One copy to Mr.B.Narasimha Sarma, Advocate, CAT., Hyd.
6. One copy to Mr.D.F.Paul, SC for Rlys, CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

~~Self/act
6/10/97~~

TYPED BY
S.C.M. REDDY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 10/8/97

ORDER/JUDGEMENT

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

in
C.A. NO. 1180/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

