

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

03. / TA / RA / CP / MA / PT 1206 of 1997

..... D. Samuel John Applicant(s)

Versus

..... The General Manager, Sec. Dy. Hyderabad & 3 Or Respondent(s)

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders	—	1
Interim Orders	—	—
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Orders in (Final Orders)	8-9-97	26-35

Signature of
Dealing Hand
(In Record Section)

30/9/97

Certified that the file is complete
in all respects.

Signature of S.O.

Part III and II

Destroyed

P. Singh
16/3/11

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

O A. NO. 1206 OF 1997.

D. Samuel John

Applicant(s)

VERSUS

General Manager, Seely, Sebad & (Respondent)

30th

Date

Office Note

ORDER

8.9.97.

MA 740/77 is dismissed.
OASR 2333/77 stands rejected.
order on separate sheets. No
costs.

JL
HBS SP
M(S)

N
HARN
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO. 1206 OF 1997.

D. Samuel John

Applicant (s)

VERSUS

~~Union of India, Repd. by~~

Genl. Manager. SCL;


Secy & 3 others.

Respondent(s)

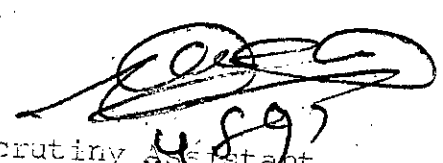
The application has been submitted to the Tribunal by
Shri S. Lakshma Reddy Advocate/
~~Party in Person~~ Under Section 19 of the Administrative
Tribunal Act, 1985 and the same has been scrutinised with
reference to the points mentioned in the check list in the
light of the Provisions in the Administrative Tribunal
(Procedure) Rules 1987.

The Application is in order and may be listed for
Admission on MA.


Scrutiny Asst


DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. *SR*
12. Has the applicant exhausted all available remedies. *SR*
13. Has the index of documents been filed, and pagination done properly. *SR*
14. Has the declaration as required by item No. 7 of Form, I been made. *SR*
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. *SR*
16. (a) Whether the relief sought for, arise out of single cause of action. *SR*
(b) Whether any interim relief is prayed for. *SR*
17. In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. *— SR*
18. Whether this case be heard by single Bench. *SR NO*
19. Any other Point. *—*
20. Result of the Scrutiny with initial of the Scrutiny clerk. *may be remanded*


Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.

Dairy No. 2333

Report in the Scrutiny of Application.

Presented by S. R. Reddy Date of Presentation. _____
Applicant (s) P. S. T. T.

Applicant (s) DS John

Respondent (c) SH. SRI S. S. S.

Nature of grievance Reduction in rank

No. of Applicants 1 No. of Respondents 4

Reduction CLASSIFICATION

Subject in Rank (No. 90) Department : SRB (No. 32)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations.)
2. Whether name, description and addresses of all the Parties been furnished in the cause title.
3. (a) Has the application been fully signed and verified.
(b) Have the copies been fully signed.
(c) Have sufficient number of copies of the application been filed.
4. Whether all the necessary Parties are impleaded.
5. Whether English translation of documents in a language other than English or Hindi been filed.
6. Is the application on in time, (See Section 21)
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed.
8. Is the application maintainability.
(U/S 2, 14, 18, or U/R. 8 etc.)
9. Is the application accompanied IPO/DD, for Rs. 50/-
10. Has the impugned orders Original, duly attested legible copy been filed.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

I N D E X - S H E E T

O.A. NO. 1206 of 1997.

CAUSE TITLE D. S. John

V E R S U S

The G-m, S₂, Subd 4 30th

Sl.No.	Description of Documents	Page No.
1.	Duplicate Application original	1 to 10
2.	Material Papers	11 to 22
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4.	Spare copy. 4 four	
5.	Cover 4. A	
6.		

Reg: To Quash the orders dt. 20.11.93/ 30893/ 13693
imposing the penalty of reduction in post for
a period of 24 months and direct the Respondents
to restore the applicant at AS1 G.P.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

OA No. 1206 of 1997

Bench

Between:

D. Samuel John.

A N D

General Manager, SC Rly,
and others.

9(a) Reduction in

..Applicant

Rank

RAILWAY

Railway

..Respondents

32

©

CHRONOLOGICAL EVENTS

<u>SL No.</u>	<u>Date</u>	<u>Events</u>
1.	19.7.91	The applicant was issued a minor penalty charge memo.
2.	26.9.91	Minor penalty of censure was imposed on the applicant.
3.	23.6.93	R-2 has imposed the penalty of reduction to lower post.
4.	12.7.93	The applicant filed an appeal before the Chief Optg. Supdt.
5.	30.8.93	His appeal was dismissed.
6.	20.11.93	His further appeal to the AGM was also dismissed.
7.	19.5.94	The applicant made a representation to R-1
8.	22.1.93	Inquiry report submitted.

Hyderabad

Dated: 28.7.97

Amr Rao
CCOUNSEL FOR APPLICANT



Recd
by
cist/secretary
29/7/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No. 1206 of 1997

Between:

D. Samuel John

..Applicant,

A N D

General Manager, SC Railway,
and others.


..Respondents

MATERIAL INDEX

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1.	Original Application	1-9	
2.	Impugned Order No.P.94/HYB/DSJ/ 1719 dt. 20.11.93.	10	I
3.	Representation of the applicant dated 19.5.94. to R-1	11 512	II
4.	Letter No 4P/135/ETT/Restraints dt 15-4-97	13	III
5.	Letter No 4P/C/2619 dt 23-6-93	1435	IV
6.	Letter No 4P/1335/P.11/Sr II 8-8-95	16	VA
7.	Memo 4P/135/D.7 III Restraints 16-11-95	17	VI
8.	Memo 4P/535/P.11/5/Select. 19-5-97	18 to 21	VII
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Hyderabad

Dated: 28.7.97


COUNSEL FOR APPLICANT

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

Application filed under Section 19 of the
Administrative Tribunals Act

For use in Tribunal's Office:

Date of filing:

Date of Receipt:

By post:

Registration No:

Signature:

Registrar:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

CA No. 1206 of 1997

Between:

D. Samuel John,
S/o Jakaraiah,
aged about 51 years,
working as Station Master Grade. II,
Nizamabad Railway Station,
S.C. Railway, Nizamabad.

...Applicant

A N D

1. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager,
Hyderabad MG Division,
South Central Railway,
Secunderabad.
3. The Sr. Divisional Personnel Officer,
Hyderabad MG Division,
South Central Railway,
Secunderabad.
4. The Divisional Operating Supdt,
Hyderabad MG Division,
South Central Railway,
Secunderabad.

...Respondents

Journal of Management Education 30(6)

1. Particulars of the Applicant:

The particulars of the applicant are the same as mentioned in the cause title above. The address for service of summons, notices etc on the applicant is that of his counsel Mr.S.Lakshma Reddy, Advocate, 102, Premier Plaza Apartments, Behind Water Tank1, Narayanguda, Hyderabad.

2. Particulars of the Respondents:

The particulars of the respondents and their addresses for the purpose of service of notices etc are the same as mentioned in the above cause title.

3. Particulars of the order against which the application is made;

- a) Order No & Date : P.94/HYB/DAJ/1719 dated 20.11.93
confirming the orders of CCM dated 30.8.93 and the
orders of the ADRM, Hyderabad orders No.Con/YP/
C/26/91 dated 23.6.93.

- b) Subject in brief: Reversion from ASM Grade.I
in the scale of Rs.1400-2300 to ASM Grade.II
in the scale of Rs.1200-2040 for a period of 24
months with loss of seniority.

4. Jurisdiction:

The applicant declares that the subject matter of the order against which he seeks redressal is within the jurisdiction of the Hon'ble Tribunal under section 14 of the A.T.Act.

5. Limitation:

The applicant further declares that the application is filed within the limitation period prescribed in section 21 of the A.T. Act. Since a separate application for ~~the~~ condoning the delay of 2 years was not filed.

6. Facts of the Case;

6.1. It is submitted that the applicant while working as Asstt. Station Master Grade.I in the scale of Rs.1400-2300 was issued a minor penalty charge memo SF-11 dated 19.7.1991 by the fourth respondent alleging that the applicant has violated rule 3 (1) and (iii) of the Railway Servants Conduct Rules, 1966 by availing privilege pass (first class) in favour of his married sister aged about 20 years, instead of his son aged about 16 years as per the reservation and also the attendant, who was given reservation in second class was found travelling in the first class compartment. The applicant had submitted his explanation explaining the circumstances under which the said irregularity had happened and the fourth respondent was pleased to impose the ~~penalty~~ penalty of censure by proceedings Con/YP/C/2 6/91 dated 26.9.91. The second respondent had proposed to enhance the said penalty imposed by the fourth respondent by exercising his powers under rule 22 of the Discipline and Appeal Rules and issued a charge memo under SF-5. The two charges framed against the applicant alleging misuse of the privilege pass by allowing his married sister in the first class compartment in the place of his son and also that his attendant for whom second class ticket was taken as per the reservation was found travelling in the first class and thereby he has contravened rule 3 (ii), (ii) and (iii) of the Railway Servants Conduct Rules, 1966. In the chargememo itself the respondents have stated that they are relying upon four documents, by which they propose to sustain the articles of charge. They have also given three witnesses to prove the charges. The inquiry officer has conducted the inquiry.

It is submitted that as per rule 9 (c), the disciplinary authority has to appoint the presenting Officer on behalf of the prosecution in support of the articles of charge. In the instant case, the present officer was not appointed and the inquiry officer himself has acted both as presenting officer and inquiry officer. The inquiry officer has submitted the report with his reasons and findings to the second respondent. The Inquiry officer has found that 'Prosecution did not establish the guilt of the applicant by properly recording the statement by the train TTE or by any independent witness'. The Railway Board CTI, who confiscated the free pass has failed to issue him a fresh CRT for the journey/return journey, thus causing the delinquent employees to pay for his return journey. The delinquent employee also paid the charges due to reservation. "The delinquent employee is guilty only on the basis of his earlier confession statement and the prosecution has not nailed his guilt. Since the delinquent employee is holding a responsible post, he cannot be absolved of the charge taking into consideration of his first statement as proof of his guilt. Hence, the article No.1 stands proved. " The second charge was held not proved.

6.2. It is further submitted that the reasoning given by the inquiry officer is perverse. Further the inquiry officer could not have relied upon to hold the applicant guilty on the basis of the alleged confession statement, which was neither produced in the inquiry nor given in the list of documents along with the charge memo. Hence, the finding of the inquiry officer are totally vitiated by illegality and without jurisdiction and since the same are in violation of the principles of natural justice.

6.3. It is further submitted that the evidence let by the witnesses during the course of inquiry did not establish the charge and on the contrary it clearly shows that the CTI, Railway Board has highhandedly foisted the charge for self interest. Even the inquiry officer has stated that the second respondent had initiated the second inquiry proposing major penalty punishment under the pressure exerted by the Railway Board through the said CTI, Railway Board as is the evidence from the proceedings of the inquiry officer recorded in his findings, which is as follows:

"The Railway Board desired deterrent punishment in this case upon which the case was reopened and a memo was issued in the signature of the ADRM on 29.1.1992".

It is submitted that the said statement is self-explanatory and explains that the pre-decision of the respondents to impose a punishment on the applicant as a deterrent measure has required by the Railway Board in the applicant's case. It is submitted that the whole proceedings taken by the respondents suffer from violation of principles of natural justice on this ground itself and the whole proceedings are to be declared as void, illegal and without jurisdiction. The second respondent on the basis of the said inquiry report submitted by the inquiry officer has issued the punishment order No.Con/YP/C/26/91 dated 23.6.93 stating that the applicant has misused the privilege pass, which is a serious offence calling for deterrent punishment and imposed the penalty of reduction to the next lower post of Asstt. Station Master Grade.II in the scale of Rs.1200-2040 fixing the pay at Rs.1680/- for a period of 24 months with recurring effect and loss of seniority. The applicant has

filed an appeal before the appellate authority and the same was disposed by order dated 30.8.93. In the revision filed by the applicant before the AGM, the same was also dismissed without application of mind and without adverting to the pleas raised by the applicant. It is submitted that the appellate and revisional authorities, order without applying their minds to the pleas raised by the applicant and without considering the same is in violation of the Discipline and Appeal Rules 22 and 25. The applicant made a further representation to the first respondent on 19.5.1994 to re-consider the whole issue in the light of the facts stated above by the applicant and do justice. The first respondent has not given any reply and the applicant was expecting that the first respondent office would consider his representation and after duly taking the circumstances stated by him and pass orders rectifying the injustice done to him. Since the applicant has made further representations to the first respondent on several dates i.e., 25.1.95, 15.8.96, 16.2.97, but since since there is no reply forthcoming, the applicant is constrained to file this OA.

6.4. It is further submitted that the applicant was not aware of the legal requirements of approaching this Hon'ble Tribunal immediately after passing of the revisional order by the AGM and that he ~~would~~ was under the impression that the first respondent would still consider his grievances and until the said remedy is exhausted, he cannot approach the judicial forums and in the process there is a delay of ^{24 can 9 months} days in filing the OA, which is neither wilful nor wanton.

6.5. It is further submitted that the impugned order passed by the second respondent confirmed by the AGM is totally illegal, without jurisdiction and violative of principles of natural justice and suffer from non-application of mind to the facts of the case.

6.6. It is further submitted that the inquiry report suffers from prevaricance and findings are not on the basis of evidences and documents produced during the course of inquiry but on the basis of the some extraneous materials and consideration and as such the inquiry report and findings suffer from perverseness and illegality and the impugned orders based upon the said inquiry report as the basis also suffer from same vice and liable to be set aside. It is submitted that the disciplinary proceedings are ~~not~~ in the nature of quasi-judicial proceedings and the respondents have to act independently and objectively without any bias on the basis of the illegal evidence produced during the course of inquiry and not on the basis of any extraneous circumstances or under the dictation of some other authority and the in the instant case, the impugned orders are in violation of the said basic principles and as such liable to be set aside. It is submitted that the inquiry officer findings are totally contrary to the evidence on record and there is no evidence on record and as such the findings as well as the inquiry report and the subsequent impugned proceedings are liable to be set aside. It is submitted that the applicant has not misused the privilege pass and the respondents have confused the travel of the applicant's sister in the same compartment in the circumstances explained above by treating the travel of his sister as the travel of his son, aged 16 years, which is totally

perverse and illegal and without jurisdiction. The applicant submits that he has not committed any misconduct as per the conduct rules and there is no warrant for initiating disciplinary proceedings against him on the basis of unreasonable view taken by the CTI, Railway Board and as such the whole proceedings are liable to be declared as illegal and without jurisdiction. It is submitted that the punishment imposed is totally arbitrary and disproportionate to the gravity of the alleged misconduct.

7. RELIEFS SOUGHT:

The Hon'ble Tribunal may be pleased to call for the records relating to the impugned proceedings No. (.94/HYB/DAJ/1719 dated 20.11.93 passed by the first respondent confirming the orders of the CCM order dated 30.8.93 and the second respondent's order No. Con/YP/C/26/ 1 dated 23.6.93 imposing the penalty of reduction to the post of ASM Grade.II in the scale of Rs.1200-2040 from the post of ASM Grade.I in the scale of Rs.1400-2300 at a pay of Rs.1680/- for a period of 24 months recurring and with loss of seniority and quash the same as illegal, without jurisdiction and consequently direct the respondents to restore the applicant to the ASM Grade.I with all consequential benefits including seniority, fixation of pay, arrears of salary, promotion etc and pass such other orders.

8. Interim Relief:

The Hon'ble Tribunal may be pleased to suspend the impugned proceedings P.94/HYB/DAJ/1719 dated 20.11.93 passed by the first respondent, pending disposal of the OA and pass such other and further orders as may be deemed fit.

9. DETAILS OF REMEDIES EXHAUSTED:

The applicant submits that he has no other alternative and effective remedy except to approach this Hon'ble Tribunal for redressal of his grievances.

10. MATTERS NOT PENDING WITH ANY OTHER COURT:

The applicant further declares that the matter regarding which this application has been made is not pending with any other court or any other authority.

11. Particulars of the Postal Order:

- a) Number of IPO: 812228801 50/-
b) Date of IPO: 31-7-77 OLDOTALIET POST OFFICE
C/POHID.

12. DETAILS OF INDEX:

50/-
L.P.O. No. 812228801/Removed

An index in duplicate is enclosed containing the details of the documents to be relied upon.

13. List of enclosures:


The entire list of enclosures are filed as material papers duly indexing the same.


VERIFICATION

I, the undersigned, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts of the case.

Hyderabad

Dated: 28.7.97


Signature of Applicant


COUNSEL FOR THE APPLICANT

1

SOUTH CENTRAL RAILWAY

Office of the
General Manager/Personnel Branch
4th floor/1st Bldg/Sec'bad.

No. 14/HR/100/1719

Dated: 2-11-1993

C O M M

In exercise of the powers conferred by the provisions of Rule 25 of the SR (LRA) Rules, 1968, the undersigned, the Reviewing Authority, has carefully considered the revision petition dated 30.9.1993 submitted by Sri D. Samuel John, L.R. AM/1AB against the order of ADM/HYB imposing the penalty of reduction from the post of ASM-I scale R.1400-2300 to post of ASM-II scale R.1200-2040 on pay R.1650/- for a period of 24 months (R) and with loss of seniority, vide Penalty Advice dated 23.6.1993 and confirmed on appeal by COM vide Order dt. 30.8.93 along with relevant records.

The offence of married sister travelling on privilege pass is extremely serious. If the sister wanted to travel on a ticket why was she not found in possession of a ticket. It is difficult to believe that she entrained with the intention of travelling on ticket. The punishment as imposed and reviewed by COM shall stand.

2. Accordingly, the Penalty of reduction from the post of ASM-I scale R.1400-2300 (RMR) to the post of ASM-II scale R.1200-2040 (RMR) on pay R.1650/- for a period of 24 months (R) and with loss of seniority imposed on Sri D. Samuel John, L.R. AM/1AB by ADM-HYB vide order dated 23.6.1993 and confirmed by COM vide order dated 30.8.1993 shall stand.

3. Receipt of this order shall be acknowledged by Sri D. Samuel John.

Signature: _____
(Name) (L.R. PARMAR)
Designation: A O M

Sri D. Samuel John
L.R. AM/1AB

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Dated: 19.5.94.

The General Manager.
S.C. Railway.
SECUNDERABAD:

Honourable Sir,

Sub: Mercy appeal against penalty imposed.

I most respectfully approach your goodness to plead to review my case where I am severly punished. I am undergoing the punishment of reversion to lower grade of Rs. 1400-2300 to 1200-2040 for the last one year.

Sir, the charge was that I was taking my married Sister in place of my son aged 16 years in first class by Train No. 7056 on 29.4.91 on my first class free pass which was reported by a CTI attached to Rly. Board. The disciplinary authority is DGS/HYS issued me a memorandum of charges and I was censured since the charges were not proved. Further the case was reopened and ADRM/HYS issued a major penalty chargesheet and the enquiry was conducted headed by Sri. Bharat Ratnam, ACS/HYS. In the enquiry also the charges were not substantiated but I was found guilty. That portion of the findings of the enquiry Officer is enclosed for reference please.

Sir, my married Sister Smt. Ratna Kumari was found travelling in FC of T.No. 7056 on 29.4.91. It was detected that my sister was travelling without a proper ticket and she was dealt with as per rules imposing penalty which was paid. I never stated that she was travelling as my family member on the free pass. My statement to the CTI and to the enquiry officer was that I could not purchase a ticket for her at SC due to lack of time and with the permission of train CON wanted to purchase the ticket at the next halting Station. Nowhere it is stated that I had confessed the misuse of Pass. The only statement of my sister forcefully made to sign by the CTI is the base for the punishment. The two witness examined in the enquiry had not contributed anything to link Smt. Ratna Kumari's travel on the free pass. The enquiry Officer had in his findings noted that witness I Sri. B. Laxman Raj did not substantiate the charge. He further ruled that the prosecution did not prove the guilt of mine and could not nail the guilt. Hence it is a clear case where enquiry Officer himself agreed and ruled that the charges supposed to be proved by the prosecutor through witness were not proved. Arriving at any conclusion only on the confessional statement of my sister which did not stand the test of truth during DAR proceedings and not substantiated by any individual witnesses amounts to impairment of justice. When the prosecution failed to prove the charges, the enquiry Officer findings that the charges were proved only on the Confessional Statement falls short of natural Justice and outside the DAR rules and the law.

Contd..2...

109 12 C-15
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Sir, Under these circumstances I pray that I am already
merging punishment for the last one year and hence appeal to you
review the case and exonerate me from the punishment imposed
on me for the charges which were never proved.

Submitted for sympathetic consideration and favourable orders
please.

Thanking your highness,

Yours faithfully,

Samuel John

(D. SAMUEL JOHN)
LR ASM
NIZAMBAD HYB.DIV.

12

AN III 13 16

S.C. RAILWAY

Office of the LRM(P)HYB/SC

No.YP/135/RTTII/Restructuring/Sh.II

Dt.15-4-97

Sri. L. S. Samuel John,
SM.II/428

(Through: SJ.52B)

Sub: Filling up of vacancies of SM.Gr.II in scale of R.1600-2660(RSRP) in HYB Division.

Ref: This office letter of even no. dt. 4.8.95 and 10.11.95 communicating SGO No.35/RTTII/Sh.II/95 & SGO No.52/RTTII/Sh.II/95 respectively.

...
You were on expiry of penalty of reduction to lower grade restored to Gr.R.1400-2300(RSRP) and further promoted as SM.II in scale R.1600-2660(RSRP) in restructuring w.o.f. 1-3-93, duly fixing your pay at R.1900/- w.o.f. 28-3-95, vide this office proceedings cited.

Your seniority was fixed in scale R.1400-2300(RSRP) between Sri P.B.Vaidyanathan at Sl.No.125 and Sri M.A. Agwar Washa at Sl.No.126 in the seniority list published vide Lx.No.YP/Cptg/168/Seniority dt.9-4-92. Further you were placed in scale R.1600-2660 (RSRP) below Sri S.Pandurangaswamy at Sl.No.71 vide Office order of even no. dt. 23-2-92.

The above order have been examined in detail by Hqs. in terms of para 322(c)(ii) of I.R.S. and para 3.6 and 3.9 of Rly. R.O. letter No.8(Dm.)92-RC 6-149(L) dated 21-1-93 (CRP/SC's S.C.No.16/93). It is seen that under the above rule, an employee cannot be considered for promotion until after the expiry of the penalty in case one of the punishment is reduction to lower time scale grade or post and that the promotion can be given prospectively, whereas in the instant case proforma promotion was extended from 1-3-93, during which the departmental proceedings were pending against the employee.

In the circumstances it has been decided to amend the office order under reference dated 8-8-95 and 10-11-95 to the extent of promotion under restructuring scheme and consequent seniority. It is proposed to promote you to SM II in scale R.1600-2660 (RSRP) after expiry of the penalty. You will be eligible for seniority in scale R.1600-2660(RSRP) only from 6-3-95.

Show cause within a period of 15 days on receipt of this letter, why office order under reference be modified as proposed above. If no reply is received, your seniority and pay will be regulated as proposed without any further notice.

Sd/-

Sr. PO/HYB/SC

Copy to : SJ/428. He is advised to serve the notice on the party and send acknowledgement to this office for record.

for LRM(P)HYB/SC

JN IN 14 17

OFFICERS OF THE OFFICE OF PENALTY UNDER RULE 6 OF THE
RAILWAY SERVICE (P.S.) RULES 1966.

Office of the Divisional Railway Manager/Personnel
Hyderabad Division, Secunderabad.

No.Con/YP/C/26/91

Dt: 23-6-1993

MEMORANDUM

Sri D. Samuel John, LRASM/RAZB is informed that the officer appointed to enquire into the articles of charges levelled against him vide Memorandum No.Con/YP /Cl.26/91 dt.29.1.1992 (Sr.5) has submitted his report. A copy of the EO's findings was also supplied to him vide letter of even number dt.20.4.1993.

The undersigned has carefully gone through the proceedings of the enquiry officer together with the findings and other relevant documents his representation dt.3-6-1993 and also gave an opportunity for personal hearing on 16.6.1993 and accepted the enquiry officer's findings to the extent proved in the enquiry and held him guilty. The employee in his representation has stated that he is satisfied with the enquiry conducted. He also states that he had no intention to carry his sister in place of his son and that he could not purchase the tickets due to insufficient time which however cannot be accepted. Misuse of privilege pass is a serious offence calling for deterrent punishment. However, it is seen that out of two articles of charges, one regarding the charge of misuse of the pass for his sister has been proved and the other regarding his attendant has not been proved. His record of service so far has been satisfactory. I have also given him an opportunity for personal hearing on 16-6-1993.

Taking all the above facts into consideration, the undersigned therefore holds Sri D. Samuel John, LRASM/RAZB guilty of article I as proved in the enquiry and decided to impose upon him the penalty of reduction to the next lower post of ASM, Gr.II in scale of R.1200-2040(RSRP) fixing his pay as R.1680/- for a period of twentyfour months with recurring effect and loss of seniority.

Sri D. Samuel John, LRASM/RAZB is therefore reduced from the post of ASM-I in scale of R.1400-2700(RSRP) to the post of ASM-II in scale R.1200-2040(RSRP) fixing his pay at R.1680/- for a period of twentyfour months with recurring effect and loss of seniority.

Rf

Cont...

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Sri D. Samuel John is hereby advised that under rule 16 to 20 of the Rly. Servants (D.A.) Rules 1968, he may prefer an appeal against this order to CPTF/SC Rly./SC provided that :

- i) the appeal is preferred within a period 45 days from the date on which this order is delivered to him.
- ii) The appeal is preferred in his own name and presented to the authority to whom the appeal lies and does not contain any disrespectful or improper language.

The receipt of this order may please be acknowledged.

Sri D. Samuel John

Disc./HAB (Thro. S./HAB)

SO/-

(P.C. Rules)

Disciplinary Authority & J.A., NYB.

C/- C.S./D- with ref. to file No. C/Comp/IC/35/NYB/90-91 dated 13-5-1993 alongwith the enquiry report in pages.

C/- S.D./NYB/Bills, SR. for information and necessary action. He will please to sent necessary office order and endorse a copy to the conf.

C/- S/HAB for information and necessary action. He will please serve the order, obtain the acknowledgement of the employee early.

AMM/NYB

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Office/HYD/SC
7/35/P.1/3/SM Cr. II. Dated: 8.8.95.

C.No. 357ET.III/SM.II/1995.

Filling up vacancies of SM.Cr.II in scale
Gr.1600-2660(RSRP) on HYD division.

Sd.Vijayakumar, SM.Cr.II in Gr.Rs.1600-2660(RSRP) who
is at CVM, is transferred and posted at BMO on his same
pay against a resultant vacancy. He is not eligible
for transfer facilities on transfer account.

Sd. Daniel John, who is working as ASM.II in Gr.Rs.1200-2040(RSRP)
is due to imposition penalty to the lower time scale (i.e.
ASM.I, Gr.Rs.1400-2300(RSRP) to ASM.II Gr.Rs.1200-2040(RSRP)
a period of 2 years with loss of seniority has been restored
to original post of ASM.I in Gr.Rs.1400-2300(RSRP).

also further promoted to the post of SM.II in grade
Gr.2660(RSRP) on proforma dated w.e.f. 1.3.1993 on par with
senior and retained at NZB, against an upgraded post under
seniority on as is where is basis.

The promotion is ordered subject to the condition that
there is no SPE/VIC/DAR cases pending/contemplated against him.

The promotion ordered is provisional and subject to the final
order of supreme court/high court/CAT appeals and applications
before them.

The promotion of him is provisional and liable for
reversion to the extent rules.

The assumption of higher responsibility by him shall
be concerned promptly.

The appraisal of the competent authority.

21. Rly. Manager(P)/HYD/SC.

to: DRM.NED Sr.DAO Sr.DOM DSO LCM AM.NED

CC(SUB)HYD TI.NED SS.BMO CVM NZB

Cell OS.Optg.Bills PI.Con.HYD OS.Pass; Ocs. OS.RAC

Pl. Secy. SCRT & SCMU, HYD/SC.

DRM(P)/HYD/SC.

Sudha/8.8

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SOUTH CENTRAL RAILWAY
OFFICE OF THE DRM(P)/HYB
No.YP/135/ET.III/Restructuring/SM.II

Dr: 10-11-95

S.O.O.No.57/ET.III/SM.II/1995.

Sub: Filling up of vacancies in SM II in scale
Rs.1600-2660(RSRP) on HYB Division.

In partial modification to this office O.O.No.35/ET III/SM II/
1995 issued under letter No.YP/535/P11/3/SM Gr.II dated 8-9-95,
the following orders are issued.

On expiry of the punishment, Sri D.Samuel John, ASM.II/NZB is
restored to the Grade of ASM.I in scale Rs.1400-2300(RSRP)
and the pay is fixed at Rs.1800/- w.e.f. 23-6-95. He is
further promoted to the grade of SM.II in scale Rs.1600-2660(RSRP)
under restructuring w.e.f. 1-3-93 fixing his pay at Rs.1900/- w.e.f.
23-6-95 and retained at NZB on as is where is basis.

However he is not eligible to reckon the service rendered from
26-6-93 to 23-6-95 for the purpose of increment since he was under-
going the punishment. He is eligible for increment raising from
Rs.1900/- to 1950/- in scale Rs.1600-2660(RSRP) from 1-3-96 under
normal rules.

He is eligible for option for fixation of pay under rule 1316
(FR 22C) R11 within one month from the date of issue of this
office order.

The position of his seniority on restoration to the grade
Rs.1400-2300(RSRP) will be against S.No.125 & 126 between Sri
P.V.Vaidyanathan to M.A./Anwar Nasha in the seniority list published
vide his office letter No.YP/4ptg/168/Seniority dated 9-4-92. On
promotion to the grade as SM.II in scale Rs.1600-2660(RSRP) w.e.f.
1-3-93 his seniority position stands between S/Sri D.Panduranga
Swamy, SM.II, MBNR and Soumanghosh, SM.II CVB shown against
S.No.71 and 72 of the office order respectively issued under
letter of even No. dated 2-3-93.

The other conditions stipulated in the O.O. cited remain
unchanged.


for DRM(P)/HYB/SC.

Copy to: Sr.DCM/HYB, Sr.DAC/HYB, AOM/HYB.
Copy to: SS/SH, MBNR, CVB, NZB.
Copy to: GS/SR Cell, Bills, Pass Section, Drs.Section
Copy to: Divl.Secy. SCRES/HYB and SCIRU/HYB.


for DRM(P)/HYB/SC.

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ANNEXURE 'A'.

Sl. No.	Name of the employee (S/Sri)	Designation	Station
(1)	(2)	(3)	(4)
1.	M. A. Rahaman	SM. II	SC
2.	M. A. Joseph	-do-	MJF
3.	S. T. Harne	-do-	AOT
4.	Md. Azamuddin	-do-	ABZ
5.	Afzal Khan Nabi Khan	-do-	PTZ
6.	S. Ameer Pasha	-do-	VDI
7.	Syed Abdul Ali Abdulla	-do-	CTH
8.	N. Ramanathan	-do-	KRNT
9.	M. N. Annadate	-do-	KNW
10.	P. J. Zachariah	-do-	MJF
11.	D. Jagan Mohan Rao	-do-	JKM
12.	K. S. R. Rajashekaran Nair	-do-	ADB
13.	T. Sanath Kumar	-do-	KMC
14.	S. A. Rahman	-do-	KCG
15.	D. Pandurangaswamy	-do-	MBNR
16.	D. Samuel John	-do-	NZB
17.	Souman Ghosh	-do-	GVB
18.	K. Omkumar	-do-	MJF
19.	K. Maheshwar	-do-	MLY
20.	V. S. Muke (SC)	-do-	DLB
21.	S. J. Bhanu	-do-	UGWE
22.	S. Munawar Ali	-do-	BMF
23.	Md. Rahamat Ali	-do-	SC
24.	P. Dhamodar Rao	-do-	MJF
25.	K. V. K. Sharma	-do-	IDL
26.	S. B. Vijay Kumar	-do-	BAJR
27.	S. Chandra Mohan	-do-	SC
28.	P. Seshagiri Rao	-do-	MJF
29.	V. Bhaskar Rao	-do-	JCL
30.	Somayajulu Ashok	-do-	MJF
31.	E. J. Kumar	-do-	AWB
32.	N. Balaji Rao	-do-	KCG
33.	B. Mahavir Dhanaiah	-do-	MJF
34.	A. Keshav	-do-	NVT
35.	B. G. Inbale	-do-	PG
36.	H. M. Srinivas Rao	-do-	BMO
37.	N. K. Dave	-do-	KNW
38.	P. James Adolphons	-do-	KCG
39.	P. D. Jaysekhar	-do-	NED
40.	V. Laxman	-do-	KMC
41.	Hanumanthu Rajiah	-do-	KXI
42.	D. Siddiah	-do-	MON
43.	Yelliah Chandiah	-do-	KQG
44.	Md. Naseerulla Khan	-do-	KCG
45.	M. R. Gangadharan (SC)	-do-	Jalna
46.	A. D. Prabhakar	-do-	IKI
47.	K. Balakrishna	-do-	DUU
48.	B. Vasanth Kumar	-do-	KCG
49.	T. V. Subba Reddy	-do-	VRI
50.	A. Peddanna (SC)	-do-	CHB
51.	N. N. Durga Prasad (SC)	-do-	SC

Contd....2...

AM VII 18 20
VII 18 20
Selection. Dated: 19.5.97.

SS/SMS: SC; JEL; MEDD; SC; ISF; AOT; ABZ; PTZ;
VDI; CTH; KMT; JRM; ALB; KMC; KCG; MENR;
UGWE; BKF; LER; JCL; AWD; NVT; PG;
MED; KXT; KQZ; MON; J; IKI; DUU; SRNR; WHM;
HKR; SVV; JZH; CVD; MLY; SELU; KEK; BHBK;
TMD; SKU; GWD; PAU; MRV; UPR; SHNR; DAB;
VT; AKE; UPW; BCKR; BSQ; NOB; HZL;

Sub: Selection for the post of SM.II in scale
Rs.2000-3200(RSRP) in HYB division.

It is proposed to conduct a selection for the post of SM.I
in scale Rs.2000-3200(RSRP) to fill up the 33 vacancies.
The apportioned vacancies are as under:

SC: 3
ST: 2
OUR: 28

The staff of this division mentioned in Annexure 'A' are
coming up within the field of eligibility to appear for the
selection which comprises of written test and viva-voce.
The date of written examination and venue will be advised in
due course, if any of the staff mentioned in Annexure 'A'
is on leave/sick leave, the notice should be send to their
leave/sick address and acknowledgement may be obtained.

If any of the employee is unwilling to appear for the selection,
a written declaration to that effect may be obtained from
the employee and forwarded the same to this office on or
before 09-6-1997.

As Sri Samuel John's seniority is proposed to be revised,
his placement in the alert list may vary before conducting the
written examination.

Copy of the prescribed syllabus is enclosed as Annexure 'B'.

Please acknowledge receipt of this notification.

for DRM(P)/HYB/SC.

Copy to: CPO/SC; COM/SC; DRM/NED; Sr. DAO; Sr. DOM/HYB
AM/NED; DCM.HYB; All TIs: AO.AK; OS, Optg. Bills
OS. B&C OS. Con. HYB.

Divl. Secy. SCRES & SCRMU. HYB. SC.

for DRM(P)/HYB/SC.

Sudha/19.5

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-3-

Stand bye

1. Sri.	C.R. Marsireddy	SM.II	SC
2.	N. Srinivas Sharma	"	BMO
3.	A.S.R.K. Prasad	"	AKT
4.	P.V. Subramanyam	"	UPW
5.	C. Saibaba	"	BOGR
6.	B. Ramchandramurthy	"	WIR
7.	Kasiviswanath	"	BSQ
8.	A. Prabhakar Rao	"	ATC.KCG
9.	S. Ramakrishna	"	MOB
10.	G. Muralidhar	Instr.	TCOMLY

** Item No.16, Sri.D.Samuel John SM.II.NZB is served with a notice, regarding assignment of his seniority. His placement in seniority may vary.

/DRM (P) HYB: SC.

52. A. Chinnaowamy (SC)	Sim-II	HJP
53. K. Lakman (SC)	-do-	KMC
54. B. R. Appelkar (ST)	-do-	WIM
55. G. A. Anthony	"	GDPL
56. Rajasekhar Rao	"	BLSA
57. Babulal Meena (ST)	"	GUX
58. Sulthan Singh Meena (ST)	"	HKR
59. M. Venkatramana (ST)	"	SC
60. C. P. Singh Meena (ST)	"	SVW
61. P. V. Vaidyanathan	"	Sr. DOM. HYB
62. P. Seshubabu	"	COM. O. HYB
63. B. Venkateshwar	"	KMC
64. V. B. Srinivasan	"	JCL
65. O. V. V. Gopal Rao	"	KNRG
66. R. Rajamanikyan	"	Sr. DOM/O/Hyb
67. K. Narasimha Malloji	"	Selu
68. K. Narasimha Malloji	"	KCK
69. P. Janardhan Rao	"	WIR
70. P. Yadagiri	"	KMV
71. G. Kevin James	"	COM/O/SC
72. M. Subramanyam	"	SC
73. T. Prabhucharan	"	BKU
74. Y. Narsimha Rao	"	KCG
75. T. Saikumar	"	COM/O/Sc
76. A. Munirathnam (SC)	"	SRNR
77. K. Narayana Sayana (SC)	"	GWD
78. Bhimcharan soren (ST)	"	HNL
79. Ramsingh Meena (ST)	"	DGT
80. Vijaysingh Roopsingh (ST)	"	RNE
81. Rambhajan Meena (ST)	"	KNW
82. U. B. Sangale (ST)	"	COM. O. HYB
83. V. Krishna Kumar	"	SHNR
84. A. V. Raidu	"	PBN
85. U. Sundaram	"	LED
86. S. J. Sadiq Ali	Inst.	ZTC. MLY
87. Md. Osman	"	PAU
88. K. Rajamalliah (SC)	"	IKI
89. Lakman Lakshumanna (SC)	"	BMF
90. Deshmane Gulab (SC)	"	MRDD
91. D. Rambabu (SC)	"	GLY
92. C. Naresh Kumar	"	ANDR
93. Y. David	"	MS
94. A. A. Viswaprakash	"	SHNR
95. T. Veeranjanyulu	"	DA
96. Gangadhar	"	LED
97. Sk. Jalaluddin	"	KNVT
98. Qaisar Ahmed Khan	"	ACMCE
99. S. Tulasi Kumar	"	

South Central Railway

No.P.94/HYB/DSJ/1719

General Managers Office
Personnel Branch/Secy underabau.
Dt. 30.03.93.

O R D E R

In exercise of the powers conferred by the provisions of Rule 22 of the RS(D&A) Rules, 1968, the undersigned, the Appellate Authority, has carefully considered the appeal dt. 12.7.93 submitted by Sri D. Samuel John, IRASM/NZB, against the order of ADRM/HYB imposing the penalty of reduction from the post of ASM-I in scale Rs. 1400-2300 (RSRP) to the post of ASM-II in scale Rs. 1200-2040 (RSRP) fixing his pay at Rs. 1680/- for a period of twenty four months with recurring effect and loss of seniority wide penalty advise dt. 23.6.93 along with relevant records.

2. The under-signed is of the opinion that the punishment imposed on the employee is commensurate with the gravity of the offence. In fact the under-signed feels that the employee has been dealt with leniently and hence regrets the appeal.

3. Accordingly, the penalty of reduction from the post of ASM-I in scale Rs. 1400-2300 (RSRP) to the post of ASM-II in Scale Rs. 1200-2040 (RSRP) fixing the pay at Rs. 1680/- for a period of twenty four months with recurring effect and loss of seniority imposed on Sri D. Samuel John, by ADRM/HYB wide order dt. 23.6.93 shall stand.

4. Sri D. Samuel John, is hereby advised that under Rule 25 of RS(D&A) Rules, 1968, the Revision petition against these orders lies with AGM provided it is preferred within 45 days from the receipt of these orders and does not contain any improper or disrespectful language.

5. Receipt of this order shall be acknowledged by
Sri D. Samuel John.

SIGNATURE:

NAME

Design.

(P. SESHAGIRI RAO)

C.O.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A.No. 740/97 in NOASR 2333/97.

DATE OF ORDER : 08-09-1997.

Between :-

D.Samuel John

.. Applicant

And

1. General Manager, SC Rlys,
Sec'bad.
2. Divl.Rly.Manager,
Hyderabad MG Divn.,
Sec'bad.
3. Sr.Divl. Personnel Officer,
Hyderabad MG Dvn, SC Rly,
Sec'bad.
4. Divl.Operating Supdt,
Hyderabad MG Divn,
SC Rly, Sec'bad.

.. Respondents

-- -- --

Counsel^r for the Applicant : Shri S.Lakshma Reddy

Counsel for the Respondents : Shri K.Siva Reddy, SC for Rly.

-- -- --

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)).

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

-- -- --

Heard Sri S.Laxma Reddy, counsel for the applicant and Sri K.Siva Reddy, standing counsel for the respondents.

2. This OA is filed against the order dt.20-11-93 (Annexure-I to the OA). The applicant had ~~approached~~ this Tribunal nearly four years later after the impugned order ^{was} ~~is~~ passed. The MA is filed to condone the delay of 2 years 9 months in filing the OA. The learned counsel for the applicant made the following contentions for allowing the MA :-

(i) The applicant had submitted a revision petition to the General Manager but that was not disposed of. Hence he repeatedly approached the General Manager for disposal of this petition. Hence the applicant ^{Came} ~~came~~ late to this Tribunal.

We find that the impugned letter dt.20.11.93 had been disposed of by the Addl.General Manager on his submission of revision petition. Hence the applicant cannot file any further petition to the General Manager. If he is of the opinion that the revision petition cannot be disposed of by the Addl.General Manager, he should have protested against the disposal of the revision petition by the impugned letter dt.20.11.93; but he did not do so. He submits that he filed another petition to the General Manager, which in our opinion is not provided for in the rules; but that does not mean that the applicant cannot approach the General Manager by filing a petition. He could have filed it and at the same time he could have also approached the judicial forum for redressal of his grievance in which case the judicial forum could have taken a view and had given certain directions in this connection. But

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the applicant did not take recourse to that action. He kept quite and filed this OA on 1.8.97. Thus on this pretext the MA for condoning the delay cannot be allowed.

(ii) The applicant submits that in terms of Sub-Section 3 of Section 20 of A.T. Act, 1985, this MA has to be allowed, which reads as follows :-

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial.

Relying on the above para, counsel for the applicant submits that submission of appeal to the President or Governor or to any other functionary are the alternative remedies and the applicant had submitted such memorial to General Manager. Hence the delay has to be condoned. But that authority should have been authorised to review the orders of lower authorities in the rule book. Beyond the disposal of the revision petition by the competent authority, there is no rule provided to challenge the orders of the revision authority by higher authorities. Hence this sub rule also will not come to the rescue of the applicant to allow this MA.

(iii) The applicant submits that his case is a meritorious one as the Enquiry Officer had not held him responsible for the mis-use of passes. However, he has been punished by the Disciplinary and higher authorities. As he has got a meritorious case, the condonation of delay petition should be considered on the basis of the merits of this case and allowed.

When the Disciplinary and higher authorities have gone into the

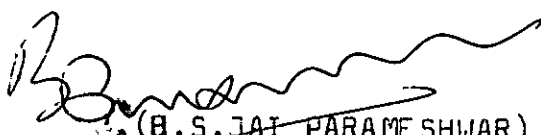
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contentions and passed ~~an~~ ^{etc} orders, it cannot be said that the merits of the case were not considered by them. Further the M.A. is to condone delay in filing the O.A. At this juncture we can only see whether the reasons for which the applicant was punished is relevant in the context of Railway Rules. Mis-use of passes has to be considered as a serious misconduct. Hence on that point the respondents could have come to the conclusion that such an act on the part of the applicant cannot be tolerated. At this juncture we cannot go into this contention. Hence on this score also the MA has to be rejected.

3. Considering the above points ~~and ^{etc} ~~xxx xxx xxx xxx xxx xxx~~~~, we are of the view that the applicant has not made out any case for allowing the M.A. Accordingly M.A. is dismissed.

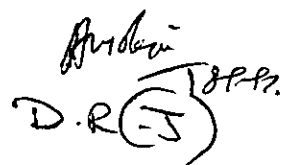
4. As the MA for condonation of delay is dismissed, O.A.S.R. stands rejected. No costs.


(B.S. JAI PARAMESHWAR)
Member (J)
8/9/97


(R. RANGARAJAN)
Member (A)

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

avl/


D.R. (J) 8/9/97

: 5 :

DA.1206/97

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager, Hyderabad MG Division, South Central Railway, Secunderabad.
3. The Sr. Divisional Personnel Officer, Hyderabad MG Division, South Central Railway, Secunderabad.
4. The Divisional Operating Supdt., Hyderabad MG Division, South Central Railway, Secunderabad.
5. One copy to Mr.S.Lakshma Reddy, Advocate, CAT., Hyd.
6. One copy to Mr.K.Siva Reddy, SC for Rly, CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One copy to duplicate.

25/9/97

(6)

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: 8/9/97

ORDER/JUDGEMENT

M.A./R.A./E.A. NO. 720/97

SR in
O.A. NO. 2383/97

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
ब्रेक/DESPATCH
24 SEP 1997
हैदराबाद बेंच
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No. 740 of 1997

in

OA No. 2333 of 1997

Between:

D. Samuel John, S/o Jakaraiah,
aged 51 years, Station Master Gra II,
Nizamabad RS, Nizamabad.

..Applicant

A N D

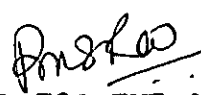
1. General Manager, SC Railway,
Secunderabad.
2. Divl. Rly. Manager, Hyderabad MG Dvn,
Secunderabad.
3. Sr. Divl Personnel Officer, Hyderabad
MG Dvn, SC Rly, Secunderabad.
4. Divl. Operating Supt, Hyderabad MG Dvn,
SC Rly, Secunderabad.

MISCELLANEOUS APPLICATION FILED UNDER SECTION 52(1) OF LIMITATION ACT ^{or} 4.7. 1988

For the reasons stated in the accompanying,
affidav, t the Hon'ble Tribunal may be pleased to condone
the delay of ^{24 days} 9 days in presenting the OA and pass
such other and further order or orders as may be
deemed fit.

Hyderabad

Dated: 28.7.97


COUNSEL FOR THE APPLICANT

To condone the delay
2 years 7 months
IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : HYDERABAD BENCH
filed Hyderabad OA

MA No. of 1997

in

OA No. of 1997

Between:

D. Samuel John ... Applicant

A N D

General Manager, SC
Rly and others. ... Respondents



CONDONE DELAY PETITION

Mr. S. Lakshma Reddy, & PM Srinivasa Rao,
Advocates

COUNSEL FOR THE APPLICANT

Read for cells
vlu
cur
29/7

Copy to JMD
4897

1-857
20.11.94
11.8.2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD EBCNH : AT HYDERABAD

MA No. 700 of 1997

in

OA No. 2333 of 1997

Between:

- D. Samuel John

..Applicant

A N D

GENERAL Manager, SC Rly
and others.

..Respondents

AFFIDAVIT

I, D. Samuel John, S/o Jakarajah, aged about 51 years, Station Master Grade.II, Nizamabad Railway Station, now having temporarily come down to Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. That I am the deponent herein and therefore, well acquainted with the facts of the case.

2. It is respectfully submitted that I am not aware of the legal requirements of approaching the Hon'ble Tribunal immediately after passing of the revisional order by the AGM and that I was under the impression with the first respondent would consider my grievances and until the said remedy is exhausted I cannot approach the judicial forum and in the process there is a delay of ^{24-29 months} 9 days in filing the present OA. As such the delay caused in filing the OA is neither wilful nor wanton but for the circumstances explained.

Therefore, it is prayed that the Hon'ble Tribunal may be pleased to condone the delay of ^{24-29 months} 9 days in presenting the OA and pass such other and further orders.

Sworn and signed on this the
28th day of July, 1997 at Hyderabad.

BEFORE ME

~~COUNSEL FOR THE APPLICANT~~
ADVOCATE


Deponent

7/8/97

ORIGINAL

बेच केस/BENCH CASE

रेलवे/RAILWAY

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

M.A. NO. 740 OF 1997

IN

O.A. No. 2333 OF 1997

Heard Mr S. Lakshma
Reddy for the applicant
and Mr. K. Siva Reddy, for
the respondents.

Notice List on
4/9/97.

JM
HBSVP
M(S)

HRRN
M(A)

Notice
by date 4/9/97

Dr
8/8/97

8-9-97

Heard Sri S. Lakshma Reddy,
Counsel for the applicant
and Sri K. Siva Reddy, for
the respondents.

2. MA disposed of. Order
on separate sheets. No costs.

JM
HBSVP
M(S)

HRRN
M(A)

~~STANDING~~ PETITION to
Condon the delay of 2 years 9
months in filing the OA.

Mr. S. Lakshma Reddy
COUNSEL FOR THE APPLICANT.

AND

Mr. _____
Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.