

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / TA / ~~PA~~ / ~~CP~~ / MA / ~~DT~~ ..... 1230 ..... of 1997

..... K. Vijaya Rangan ..... Applicant(s)

Versus

The Chief Security Commissioner, ..... Respondent(s)  
R.P.F, Sec ply - Sec 'Dad & Awn -

INDEX SURET

Serial No.	Description of Documents	Pages
Docket Orders	—	1
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Orders in MA (s)	—	—
Orders in (Final Orders)	19-9-97	18-21

Signature of  
Dealing Hand  
(In Record Section)

Certified that the file is complete  
in all respects.

Signature of S.O.

Submitted  
Des for  
10/3/00

Central Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1230 of 1997.

K. Vijaya Rangan Applicant(s).

VERSUS.

The Chief Security Commissioner, RPF, Secy, Subad  
auth (Respondents).

Date	Office Note.	ORDER
		<u>19-9-97.</u>  CA dismissed. order vide separate sheet. No. cost.  HRRN MIB

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1230 OF 1997.

K. Vijaya Rangan  
(Applicants(s))

VERSUS.

Union, of India, Repd. by.

The Chief security Commissioner

R.P.F. Sec Railway Sec under shed 11 and 12  
Respondent(s).

The application has been submitted to the Tribunal by  
Shri B. Nageswara Rao 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 9. 97

On 16/9/97  
Scrutiny Asst.

[Signature]  
DEPUTY REGISTRAR (JUDL)

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

Av  
16/9/93  
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Diary No. 2972/97

Report in the Scrutiny of Application.

Presented by Mr. B. Nageswara Rao Date of Presentation. 15/9/97

Applicant(s) K. Vijaya Rangan

Respondent(s) The Chief Security Commissioner

Nature of grievance With holding the Pension.

No. of Applicants 1 No. of Respondents 2.....

CLASSIFICATION.

Subject.....No Department... Railways....(No)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). 43
2. Whether name description and address of all the parties been furnished in the cause title. 40
3. (a) Has the application been fully signed and verified. 43  
(b) Has the copies been duly signed.  
(c) Have sufficient number of copies of the application been filed. 40
4. Whether all the necessary parties are impleaded. 43
5. Whether English translation of documents in a language other than English or Hindi been filed. -
6. Is the application on time, (See Section 21). 43
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. 43
8. Is the application maintainability. 42  
(U/S 2, 14, 18, or U/R. 8 Etc.,)
9. Is the application accompanied IPO/DD, for Rs.50/- 43
10. Has the impugned orders original, duly attested legible copy been filed. 43

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

INDEX SHEET

O.A. NO. 1230 of 1997.

CAUSE TITLE K. Vijaya Rangan

V E R S U S

In Chief Security Commissioner, RPF, Suly, Seibadd  
anett

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6.	Covers 2. A	

Reg! - To declare the action of the respondents in withholding the DCRA and pension of the applicant permanently as illegal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.

S. No. Case

O.A.NO. 1230 OF 1997.

With holding the Pension  
Railways

Between:

RAILWAY

K. Vijaya Rangan.

.....Applicant.

AND

The Chief Security Commissioner,  
R.P.F. South Central Railway,  
Rail Nilayam, Secunderabad. and another

.....Respondents.

CHRONOLOGY OF EVENTS

S.No.	Date	Description.	Pg.Nos.
1.	23-6-1955	The Applicant was appointed	3.
2.	30-11-1990	Applicant retired <del>xx</del> from service.	3.
3.	15-6-1989	Applicant was dismissed from service.	3.
4.	20-6-1991	Procgs. of G.M., SC Rly., allowing the applicant to retire with all benefits by setting aside the impugned order.	4.
5.	27-6-1991	Hon'ble High Court confirmed the Order of confiction.	5.
6.	26-4-1994	Procgs. of the Divisional Security Commissioner withholding the pension of the Applicant.	6.
7.	28-2-1997	Procgs. of the appellate authority rejecting the claim of the applicant.	6.

HYDERABAD.

DATE: 28/8/97

COUNSEL FOR THE APPLICANT,



20-09-1997  
C. M. Rao  
15/9/97  
C.A. for N.R.

APPENDIX-A  
Form-I  
See Rule-IV  
of Administrative Tribunal Rules, 1985.

Title of the case: O.A.NO. 1230 OF 1997.

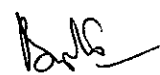
INDEX

S.No.	date	Description.	Annexure	Pg.Nos.
1.	-	Application.	-	1 to 7.
2.	25-1-1990	Force Order No.47/90.	I	8.
3.	30-3-1990	Force Order No.136/90	II	9.
4.	9-3-1993	Orders No.G/XP/227/KVR/14(1)/89.	III	10.
5.	26-4-1994	Proceedings No.C/XP.500/MR/KVR/90-93.	IV	11.
6.	28-2-1997	Proceedings Order No.X/P.227/I/KVR.	V	12.
7.	20-6-1991	Memorandum No.X/P.227/1/KVR.	VI	13 & 14

FOR THE USE IN THE  
TRIBUNALS OFFICE.

  
SIGNATURE OF THE APPLICANT.

DATE OF FILING :

  
COUNSEL FOR THE APPLICANT.

REGISTRATION NO.:

REGISTRAR.



4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985

-----

FOR USE IN THE TRIBUNAL OFFICE:

1. Date of filing  
or  
Date of receipt by post

2. Registration No.

REGISTRAR

-----

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BENCH  
AT HYDERABAD

(Under Section 19 of the Act, 13 of 1985)

ORIGINAL APPLICATION NO. 1230 OF 1997

BETWEEN:

K.Vijaya Rangan

... Applicant.

Vs.

1. The Chief Security Commissioner,  
R.P.F., South Central Raily,  
Rail Nilayam, Secunderabad.

... Respondent.

2. Union of India Repy. As General Manager  
S.C.Rly, Secunderabad.

DETAILS OF THE APPLICATION:

1. Particulars of the Applicant:

- i) Name of the Applicant : K.Vijaya Rangan.
- ii) Father's Name : late Gopala Iyengar
- iii) Age : 68 years.
- iv) Designation and particulars : Retired Senior  
of office (name and station Clerk of DSC/O/GTL  
in which employed/or was  
last employed before  
ceasing to be in service

*Vijaya*

iv) Office Address: Security Branch,  
South Central Railway,  
Secunderabad.

v) Address for service  
of notices

B.Nageswara Rao,  
~~S. Ravi~~, B.M. Reddy  
~~V. Ravindranath Reddy~~,  
Advocate, Plot No. 7, SBH  
Colony, Asmangadh, Near  
TV Tower, Malakpet, Hyd.

2. Particulars of the Respondents:

- |  |  |
|--|--|
| i) Name and /or designation<br>of the Respondent | The Chief Security<br>Commissioner/RPF/SC<br>South Central Railway |
| ii) Office address                               | G.M., South Central<br>Rly, Secunderabad                           |
| iii) Address for service<br>of all notices       |  |

3. Particulars of the order against which  
the applicant is made:

- |                |   |
|----------------|---|
| i) Order No.   | : X/P 227/1/KVR                             |
| ii) Date       | : 28-2-1997                                 |
| iii) Passed by | : The Chief Security<br>Commissioner/RPF/SC |

iv) Subject in Brief: The applicant is aggrieved  
by the action of the Respondent in not paying  
the DCRG and with-holding the entire pension  
permanently, the present O.A. is filed.

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter  
of the order against which he wants redressal is within  
the jurisdiction of this Hon'ble Tribunal in Section  
14 of the Administrative Tribunals Act, 1985.

5. Limitation:

The applicant further declares that the application  
is within the limitation prescribed in Section 21 of the

*Vijay*

Administrative Tribunals Act, 1985, as the Respondent has rejected the application of the applicant on 28-2-1997 vide orders No.X/P.227/I/KVR.

6. Facts of the Case:

a) The applicant respectfully submits that he is a Raily Employee in the Security department of South Central Raily. He was appointed on 23-6-1955 and retired from service in November, 1990 on attaining the age of superannuation. His entire service was spotless. While he was working as Senior Clerk, he was arrested by the police in a criminal case on 15-4-1980 for depositing a DD at Andhra Bank, Hyderabad. After a prolonged period of 8 years, the lower court has convicted the applicant. The applicant filed an appeal against the above orders, and the Sessions court has passed orders confirming the orders of the lower court. Again the applicant approached the Hon'ble High Court against the orders of the Sessions court. The applicant submits that while the case was pending before the Hon'ble High Court, he was retired on 30-11-1990 due to age of superannuation.

b) The applicant humbly submits that while he was working as Senior Clerk in Railway Protection Force, Guntakal, he was dismissed from service vide orders No.50/89, dt.15-6-1989 issued by the Divisional Security Commissioner, Railway Protection Force, Guntakal. The applicant submits that aggrieved by the above dismissal orders, the applicant preferred an appeal to the Chief Security Commissioner, R.P.F., Secunderabad. As no orders were passed on the appeal filed by the applicant, he filed O.A.No.862/1989 on the file of

*K. S. Srinivas*

: 4 :

this Hon'ble Tribunal. While the above case was pending before this Hon'ble Tribunal, the Chief Commissioner Security Officer has set-aside the orders of dismissal passed by the Divisional Security Commissioner. In view of the above orders of the Chief Security Commissioner, my case was disposed of as infructuous by this Hon'ble Tribunal. The Respondent herein again issued another order dismissing him with retrospective effect. Aggrieved by the above orders, the applicant made an appeal to G.M., S.C. The General Manager, South Central Raily was pleased to issue orders setting aside the orders of the Chief Security Officer and permitted the applicant to retire on attaining the age of superannuation and arrears of withheld subsistence allowance be given till the date of retirement vide orders No.X/P-227/1/KVR, dt.20-6-1991. It is pertinent to mention that once the dismissal order was set-aside by the appellate authority and the applicant was permitted to retire on attaining the age of superannuation, he ceases to be in service and therefore no disciplinary proceedings against him can survive after his retirement. When disciplinary proceedings do not survive, there is no question of imposing a punishment on the basis of the disciplinary proceedings. The applicant submits that he was paid with the minimum pension of Rs.700/- P.M. in the year 1993 from the date of retirement till August, 1993. Thereupon, regular pension was paid till March, 1994. While he was receiving his regular pension, The Joint Director Estt(D&A), Railway Board issued an order No.E(D&A)/91AE8-9 saying that the President has agreed with the advice of the UPSC and has decided that the entire pension ordinarily admissible to the applicant should be withheld

Vijay

permanently and that his entire DCRG should also be  
*consequently* the DVI Security Commissioner issued orders on 16/4/94 withdrawing DCRG  
forfeited. The applicant submits that the UPSC *a pension*  
has given its findings and recommended to with-hold  
the pensionary benefits of the applicant, when the  
case was pending before the Hon'ble High Court.  
Hence, the action of the UPSC is subjudice. The  
applicant submits that the Hon'ble High Court has  
confirming the orders of the lower court,  
delivered the judgement on 27-6-1991/ whereas the  
applicant was retired on 30-11-1990. The applicant  
submit that in the recommendations of the UPSC, the  
Secretary has stated two vital points that the  
applicant has not submitted any appeal against the  
conviction which is not correct as he filed an appeal  
before the Hon'ble High Court. The another point is  
that the disciplinary authority i.e. C.S.C./S.C. has  
not commented anything as the criminal case has  
nothing to do with the department. As the Hon'ble  
High Court has delivered the judgement after the  
retirement of the applicant, the same has no bearing  
on the career of the applicant that ~~xxxx~~ too after  
the applicant was permitted to retire and receive  
the regular pension. The Judgement of the Hon'ble  
High Court is with regard to the criminal case against  
the applicant, but not with regard to the service of  
the applicant. Hence, the action of the Respondent  
in withholding the DCRG and Pension permanently  
while allowing the applicant to retire from service  
and paying the pension till 1994, is highly arbitrary,  
illegal and unconstitutional and cannot sustain in the  
eye of law. The applicant submits that now he is 68 years  
old and living with his wife. No one is there to

Vijay

look after them at this old age and they are starving for want of food as they havenot been receiving any pension since 1994. Aggrieved by the orders of the Divisional Security Commissioner, dt.26-4-1994, withholding the pension of the applicant he made appeal/representations to the Respondent herein with a request to restore his pension. At last the Respondent herein passed orders in No.X/P.227/I/KVR, dt.28-2-1997 rejecting the request of the applicant. Hence, the applicant crave the leave of this Hon'ble Tribunal for interference.

7. Relief Sought: In view of the facts stated in para 6 above, the applicant prays that this Hon'ble Tribunal may be pleased to declare the action of the Respondents in withholding the DCRG and pension of the applicant permanently while allowing the applicant to retire and paying the regular pension till March, 1994 as highly arbitrary and illegal and consequently set-aside the orders No.G/XP.500/NR/KVR/90-93, dt.26-4-1994 of the Divl. Security Commissioner and the consequential orders No.X/P.227/I/KVR, dt.28-2-1997 of the Chief Security Commissioner while directing the Respondent to pay the DCRG and regular pension to the applicant with all consequential benefits; and pass such other or further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

8. Interim Relief:

Pending final decision on the application, the applicant herein prays that this Hon'ble Tribunal may be pleased to direct the Respondent to pay the DCRG and regular pension to the applicant forthwith; and pass such other or further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

*Vijaya*

9. Details of the remedies exhausted:

The applicant respectfully submits that as there is no effective alternative remedy, he is constrained to approach this Hon'ble Tribunal for justice.

10. Matters not previously pending with any other court.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

11. Particulars of the Postal Order:

- i) Number of I.P.O.: 8 12 687/113
  - ii) Date of Issue: 10/9/97
  - iii) Name of the Post Office: High Court Branch PO of HC
12. Details of the Index. *Rs. 50/-*  
**PAID BY D. RANGA**

An index contained the details of the documents to be relied upon is enclosed.

13. List of Enclosures:

- i) Vakalat
- ii) Postal Order
- iii) Material papers.

VERIFICATION

I, K.Vijaya Rangan, S/o. late Gopala Iyengar, aged about 68 years, Occ: Retired Senior Clerk of DSC/O/GTL., R/o.2, Venkatachala Reddy's compound, II Cross Madivala, Bangalore, do hereby verify that the contents in the above paras are true to my personal knowledge and belief and that I have not suppressed any material facts.

Hyderabad.

Dated: 28-8-1997

*K. Vijaya Rangan*  
Signature of the Applicant.

*D. Ranga*  
Counsel for the applicant.

- 8 -      A-E (11)

**SOUTH CENTRAL RAILWAY  
FORCE ORDER NO. 47/90.**

Shri K. Vijayarangan, Sr. Clerk in scale Rs. 1200-2040 (under suspension from 15-4-20) of DEC's office/RPF/GTL was dismissed from service by DEC/RPP/CTL Vide his Divl. Order No. 50/89 dated 15-6-89, with retrospective effect from the date of his conviction i.e. from 14th July '88 in a criminal charge U/s. 218(2) Cr. P.C. by the Court of IX metropolitan Magistrate/ Hyderabad in CC No. 37/86 on 14th July, '88.

It is observed from the records that Shri K. Vijayarangan, ex. Sr. Clerk was initially appointed as clerk in Grade Rs. 55-120 in the erstwhile Southern Railway on 23-6-55 by the then C80/S Rly/MS and he was promoted and confirmed as Sr. Clerk in Scale Rs 130-300 (Asst) by the then Chief Security Officer/ SC Rly. Hence the Devl. Security Commissioner is not the competent authority to dismiss the employee appointed by a higher authority.

Therefore, I set aside orders of dismissal from service of Shri K. Vijayarangan, Sr. Clerk of DSC/C/GTL issued by DSC/EPY/GTL, vide his Divl. Order Rs. 50/89 File No. G/IP.227/14/1/89) dated 15-6-89, and order his re-instatement in service as Sr. Clerk in Grade Rs- 1200-2040. with immediate effect, without Prejudices to fresh CAR proceedings by the competent authority against the Sr. Clerk on his re-instatement in service.

Shri K. Vijayarangan, Sr. Clerk, DSC/C/GTL on re-instatement in service, is deemed to be under suspension with effect from the date of his conviction viz. 14-7-88.

Receipt of this order should be acknowledged.

Sd/-  
CHIEF SECURITY COMMISSIONER/RPS/CC

HEADQUARTERS OFFICE  
SECURITY BRANCH  
SECUNDERABAD.

DATED: 25-1-1990.

//      The      Bann



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A-11 (12)

- 2 -

STANDARD FORM OF ORDER FOR DISPENSING WITH SERVICES OF THE  
RAILWAY SERVANTS UNDER RULE NO.14 (1) OF RAILWAY SERVANTS  
(DISCIPLINE AND APPEAL) RULES 1968.

FORCE ORDER NO. 136/90

1. Whereas Sri K. Vijayarangan, Sr. Clerk/DSC/O/GTL (under suspension) has been convicted on a criminal charge U/s. 248(2) Cr.P.C. by IX Metropolitan Magistrate's Court/HYB in CC No.37/86 on 14th July 1988 vide L.NO. Dis/540/IX MM Court.
2. And where as it is considered that the conduct of the said Sri K. Vijayarangan, Sr. Clerk DSC/O/RPF/GTL (under suspension) which has led to his conviction is such as to render his further retention in the public services undesirable.
3. Now, therefore, in exercise of the powers conferred by Rule 14(1) of the Railway servants (Discipline and Appeal) Rules, 1968, the undersigned hereby dismisses the said Sri K. Vijayarangan, Sr. Clerk DSC/O/RPF/GTL (under suspension) from service with retrospective effect from the date of his conviction i.e. from 14-7-1938.

Receipt of this order should be acknowledged.

( P. ANANTHASAYANAM REDDY )  
CHIEF SECURITY COMMISSIONER RPF/SC

HEADQUARTERS OFFICE  
SECURITY BRANCH  
SECUNDERABAD.

DATE: 30-3-1990.

NO. X/P. 227/1/KVR

Sd/-  
CHIEF SECURITY COMMISSIONER

  
|| true copy ||

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A - 111 (13)

~~10~~

SOUTH CENTRAL RAILWAY

No.G/XP/227/KVR/14(1)/89

Office of the,  
BSC/RPF/Guntakal,  
Dated: 9-3-93.

Shri K.Vijayarangam,  
No.2, Venkatachala Compound,  
II Cross, Madivala,  
Bangalore-68.

Sub:- Sanction of provisional pension under  
Rule 2308A & 2902 of Indian Railway  
Establishment Code, Volume-II in your  
favour.

--:00:-

It has since been advised by the Railway Board/  
NDLS that your case be regulated in accordance with  
Rule 2308A and 2902 of the Indian Railway establishment  
Code, volume II for grantal of provisional pension only  
from the date of your superannuation ie., from 30-11-90.

Therefore, you may please call on at this office  
on any working day with the following particulars to  
fillup and sign relevant pension forms.

- (1) 4 copies of joint pass-port size photos (photo with wife).
- (2) Details of our family members with their dates of birth.
- (3) Name of the Bank with place and pincode, account no:etc., through which you besire to draw your monthly pension.

Three copies of form No:10 & 11 are enclosed herewith.  
please obtain specimen signature & finger impressions of  
your wife on the forms duly recording her identification  
marks on the same and bring the forms with you while  
attending this office.

Sd/-  
Dt 9/3/  
BSC/RPF/Guntakal.

// true copy //

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A-IV (14)

~~1-4-1~~

SOUTH CENTRAL RAILWAY

No: G/XP.500/NR/KVR/90-93.

Office of the  
Divl. security commr/RPF  
Guntakal,  
Dt: 26-4-1994.

Shri. K. Vijaya Rangan,  
Retd. Sr. Clerk,  
No.2, Venkatachala Reddy's Compound  
II cross, Madivala, Bangalore-560068.

Sub:- with-holding of your pension permanently  
PRO-No. 5906 11 09903 dt 2-7-1993.

Ref:-1. Order No.E (D&A) 91 AE 8-9 dated 6-4-94  
from Railway Board/ NDLS.

2. Confidential letter No. F3/199/93-S.1  
dated 11-3-94 from under secretary/UPSC.

----

The President of India, having considered your representation dated 19-3-1993 and 26-5-1993 in response to the Memorandum No.E (D&A) 91 AE 8-9 dated 3-3-93 has decided that the entire pension sanctioned to you provisionally vide above cited PFO should be permanently withheld and the entire DCRG should also be forfeited.

The Order No.E (D&A) 91 AE 8-9 dated 6-4-1994 from Joint Director Estt (D &A) Railway Board communicating the decision of the president and a copy of confidential letter No. F.3/199/93-S.1 dated 11-3-1994 from under Secretary/UPSC for the consultation of the President with the Union Public Service Commission are enclosed herewith for your information.

In view of the above referred order, your pension is permanently withheld and the entire DCRG is also forfeited.

Please note and acknowledge receipt of this letter and its enclosures.

Sd/-  
Dt: 26-4-94  
Divl. Security Commr/RPF/Guntakal.

*B. B.*  
// true copy //

-12-      A-V      15

: 8 :

SOUTH CENTAL RAILWAY

Headquarters Office,  
Security Branch, SC.

No. X/P.227/1/KVR

Dt: 28-02-97.

Sri. K. Vijayarangan,  
Ex. Senior Clerk of DSC/e/GTL,  
2, Venkatachala Reddy's Compound,  
II Cross, Madiwala,  
BANGALORE-560068.

Sub: Representations for restoration of pension  
and sanction of DCRG.

Ref: Ur. representation dated:

1. 23-12-96 addressed to the Under Secretary,  
UPSC, Ministry of Railways, Rly.Bd/NDLS.
2. 04-02-97 addressed to CSC/SC and GM/SC.
3. Representation of Smt. V. Ranganaike, W/o  
Sri K. Vijayarangan, Ex. Sr. Clerk,  
Dt: 20-9-96 addressed to Railway Minister.
4. 04-11-96 of Smt. V. Ranganaike, W/o. Sri.  
K. Vijayarangan, Ex. Sr. Clerk addressed  
to Railway Minister, New Delhi.

-:00:-

All the above representation (barring your represen-  
tation dated 04-02-97) have been received in this office  
through CPO/SC, for necessary action.

The President of India, duly agreeeing with the  
advice of the UPSC, has since decided that the entire  
pension ordinarily admissible to you should be with-held  
permanently and that your entire DCRG should also be  
forefeited. The same was conveyed by the Joint Director  
Estt. (D&A)/ Railway Board, vide order B.E (D&A)/91  
AE 8-9 dated 06-04-94. Therefore, no further action can  
be taken by this office for restoration of pension and  
sanction of DCRG as desired by you.

This is for your information please.

Sd/-

Dt: 28/2/97

CHIEF SECURITY COMMISSIONER/RPF/SC.

// true copy //

-13-

A-WI (16)

SOUTH CENTRAL RAILWAY

No.X/P.227/1/KVR.

Office of the General Manager,  
Secunderabad, dt.20-6-1991.

MEMORANDUM

Sub: DAR action against SriK.Vijayarangan,  
Ex.SR.Clerk, DSC/O/GTL.

---

In pursuance of CAT/HYD's Judgement dated 6-12-1990 passed in OA.No.980/90 filed by SriK.Vijayarangan, Ex.Ser. Clerk of DSC/O/GTL, the undersigned has carefully considered his appeal dated 21-12-1990 along with his earlier appeals dated 14-5-1990 and 28-6-1990 and other relevant records, in exercise of the powers vested under rule 22 of RS(D&A) Rules, 1968.

The appellant has raised the following issues in his appeals:

- 1) The dismissal order issued by CSC/SC with retrospective effect is not valid and is to be modified.
- 2) Subsistence allowance for the period from June, 1989 to January, 1990 and from April, 1990 to November, 1990 is to be paid to him.

It is seen from the records that SriK.Vijayarangan was placed under suspension by SCR/UBL-GTL, w.e.f. 15-4-1980 consequent on his involvement in a criminal case. He was dismissed from service by DSC/GTL w.e.f. 14-7-1988 retrospectively vide order dated 15-6-1989 consequent on his conviction. But, after the application filed by Sri K.Vijayarangan in CAT/HYD, vide O.A.No.862/89, CSC/SC vide his order dt.25-1-1990 cancelled the order of dismissal issued by DSC/GTL and issued another order dt.30-3-1990 dismissing him from service under his own powers, but with retrospective effect w.e.f.14-7-1988.

However, the undersigned finds that the order of dismissal from service passed by CSC/SC retrospectively is not in order.

: 8 :

~~xxxxxx~~ In view of the above infirmity, the undersigned decides to set aside the order of dismissal from service with retrospective effect from 14-7-1988 passed by CSC/SC in his order dt. 30-3-1990 without prejudice to the penal action to be taken against him under the relevant rules for the offence for which he was convicted. Sri K. Vijayarangan is deemed to have been placed under suspension w.e.f. 15-4-1980 and will continue under suspension until 30-11-1990, the date on which he retired on attaining the age of superannuation.

On the above basis, the Subsistence Allowance as on the date of his dismissal should be paid to him until the date of his retirement on 30-11-1990.

Sd/-P.R.Narasimhan,  
Addl. General Manager.

  
// true copy //

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

AT HYDERABAD

\*\*\*

O.A.1230/97.

Dt. of Decision : 19-09-97.

K. Vijaya Rangan

.. Applicant.

Vs

1. The Chief Security Commissioner,  
R.P.F., SC Railway,  
Rail Nilayam, Sec'bad.

2. The Union of India, rep. by its  
~~General~~ General Manager,  
SC Rly, Sec'bad.

.. Respondents.

Counsel for the applicant

: Mr.B.Nageswara Rao

Counsel for the respondents

: Mr.C.V.Malla Reddy, SC for Rlys.

CCRAM:-

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

ORDER

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

Heard Mr.Durga Rao for Mr.B.Nageswara Rao, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned counsel for the respondents.

2. This OA is filed praying for a declaration that the action of the respondents in withholding the DCRG and pension of the applicant permanently while allowing the applicant to retire and paying the regular pension till March, 1994 <sup>is</sup> highly arbitrary and illegal and <sup>for</sup> consequential direction to set aside the order No.G/XP.500/NR/KVR/90-93 dated 26-4-94 (Annexure-IV) and the consequential order No.X/P.227/I/KVR dated 28-02-97 (Annexure-V) and to <sup>pay</sup> him the DCRG with regular pension.

3. The order now challenged has been issued by R-1. The order of R-1 was issued based on the order No.E(D&A)91AE8-9 dated 6-4-94 ~~issued by the Joint Director ESTE (D&A),~~ Railway Board on behalf of the President of India. Unless that order dated 6-4-94 is challenged and a final decision taken on the basis of the challenge the relief asked for now cannot be given. Hence the OA has to be dismissed. *and accordingly it is dismissed* However this dismissal will not stand on the way of the applicant to challenge the order dated 6-4-94 in accordance with law if he is so advised. No order as to costs.

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

(R. RANGARAJAN  
MEMBER(ADMN.))

Dated : The 19th Sept. 1997.  
(Dictated in the Open Court)

spr

M.M.  
D-R(5)



..3..

Copy to:

1. The Chief Security Commissioner, R.P.F.,  
South Central Railway, Railnilayam, Secunderabad.
2. The General Manager, South Central Railway,  
Union of India, Secunderabad.
3. One copy to Mr. B. Nageswara Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. U. V. Malla Reddy, Addl. CGSC, CAT, Hyderabad.
5. One copy to D. R. (A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

8/10/97

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: 19/9/97

ORDER/JUDGMENT

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

in  
D.A.NO. 1230/97

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

