

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.130/97

Date of Order: 3.3.97

BETWEEN :

P.Subba Rao

.. Applicant.

AND

1. The Additional Divisional Railway Manager, S.E.Rly., Waltair, Visakhapatnam.

2. The Divisional Railway Manager, S.E.Rly., Waltair, Visakhapatnam Dist.

3. Union of India, rep. by its General Manager, S.E.Rly., Garden Reach, Calcutta.

.. Respondents.

— — —

Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj

— — —

CORAM:

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

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

— — —
O R D E R

Oral order as per Hon'ble Shri B.S. Jai Parameshwar, M(J) X

— — —

Heard Mr.Patro for Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant has filed this OA praying for a direction to quash the charge sheet dt. 20.10.96. In the said charge sheet it is alleged that he had given a false caste certificate. It is submitted that a Writ Petition is pending before the Hon'ble High Court of A.P. with respect to the said caste certificate. The applicant appears to have challenged the action of the Collector in cancelling the said caste certificate. Since the Writ petition is pending before the Hon'ble High Court of AP the inquiry authority cannot conclude the charge sheet.

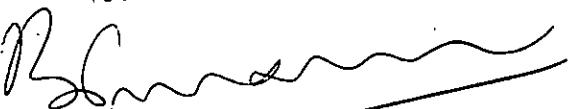
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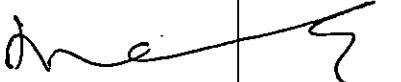
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Therefore the applicant cannot insist ^{Upon} to conclude the charge sheet or quash the charge sheet unless and until the Writ Petition is decided. If a charge sheet is pending final settlement dues cannot be given to him as the rule prohibits payment of finalisation of final settlement dues in view of the pending charge sheet.

3. The learned counsel for the applicant submits that in OA.489/88 a direction was given to handover certain documents to the applicant for perusing his charge sheet. Even those documents are given the railways cannot take a decision in regard to the charge sheet as the Writ Petition is pending in the ^{High Court} of A.P. In view of that the direction will be of no use to the applicant.

4. In view of the above the OA is dismissed with no costs.


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

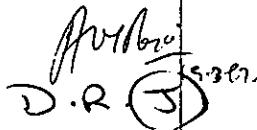

(R.RANGARAJAN)
Member (Admn.)

3/3/97

Dated: 3rd March, 1997

(Dictated in Open Court)

sd


D.R. (S. S. R.)

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Copy to:

Addl.

1. The/Divisional Railway Manager Manager,
South Eastern Railway, Waltair,
Visakhapatnam.
2. The Divisional Railway Manager, South Eastern Railway,
Waltair, Visakhapatnam.
3. The General Manager, South Eastern Railway,
Garden Reach, Calcutta.
4. One copy to Mr.P.B.Vijaya Kumar, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
6. One copy to D.R(A), CAT,Hyderabad.
7. One duplicate copy.

YLRK

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25/4/97

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED:

3/3/97

ORDER/JUDGEMENT

R.A./C.P/M.A. No.

O.A. No. 130/ⁱⁿ97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALL DIED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLR

