

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

C.A.R. No. 973/94

Dated: 6th December, 1996

Between:

G. Satyanarayana,
Station Superintendent,
S.C. Railway
Ginigere Rly. Station. Applicant

and

1. Union of India rep. by
General Manager,
S.C. Railway,
Secunderabad.
2. The Divisional Railway Manager,
S.C. Railway, Hubli.
3. The Senior Divisional
Operating Manager,
S.C. Railway, Hubli.
4. The Divisional Safety Officer,
S.C. Railway, Hubli.
5. Shri N.D. Venkata Subbu,
Inquiry Officer &
Station Supdt.,
Hubli, now working at Akola,
Maharashtra State.
6. Shri Nirikshana Rao,
Stn. Supdt.,
Papinayakanahalli,
Hospet Taluk, Bellary Dt.,
Karnataka. Respondents

Mr. N. Raman Counsel for applicant
Mr. J.R. Gopala Rao Counsel for Railways

CORAM

HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN *Retd*
HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *Retd*

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explained as to how the C.P.O. was competent to issue this circular. We may assume for the sake of argument that he may be so competent, ^{but} in the absence of any material shown to that effect, we cannot act on that assumption. The respondents have not explained in the counter as to what is the status and extent of powers of Divisional Safety Officer, whether he is connected with the operating Department and whether he could discharge the functions of Senior Divisional Operations Manager. The necessity to expect such explanation in the reply which is not offered also becomes relevant in the context of the further instructions issued by the C.P.O. on 16.6.93 to which reference has been made in para 4 of the reply. That circular, in terms of Railway Board letter dated 16.10.73, ^{states} ~~Reads~~ that disciplinary action should be initiated and finalised by the authorities under whose administrative control the delinquent employee may be working and that the Board have also stated that it would be procedurally wrong for an authority to initiate and finalise disciplinary proceedings against the employee who is not under its administrative control. It was mentioned that the Board after citing an example have stated that disciplinary authorities in case of SMS/ASMS could be only an operating department officer, even though SMS/ASMS are entrusted with commercial duties as well. The circular also states that in respect of one staff of operating department both the Divisional Safety Officer and Divisional Operating Manager cannot function as disciplinary authority as it will vitiate the basic concept of 'one servant one master' principle. It further clarifies that only Senior DOS and DOS can function as disciplinary authority in respect of staff of operating department with regard to all offences committed by the staff--whether operation, commercial or safety, etc. That clearly goes to show that unless it was shown that the DSO in the instant case was functioning as disciplinary authority in respect of staff of operating department, he could not initiate the proceedings by

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They further do not dispute that the chargesheet was issued by the Divisional Safety Officer.

5. It is common ground that the Senior Divisional Operations Manager was the appointing authority of the applicant. The question is as to whether the charge-memorandum having been issued by the Divisional Safety Officer who was lower in rank than the appointing authority and also not being the disciplinary authority, was competent to issue the same. The learned counsel for the applicant sought to rely on instructions of the Railway Board issued from time to time defining the authority competent to impose major penalty and to submit that the Divisional Safety Officer who issued the charge-memo was not the competent authority, more so as he belonged to Safety Department, whereas the applicant was working in operating Department. In this connection it is stated in the reply of the respondents that the Senior Divisional Operations Manager and the Divisional Safety Officer were empowered to exercise the powers of the disciplinary authority in respect of operating staff in a Division upto 16.6.93. Thus the charge-memo could be issued by the Divisional Safety Officer. However, the order of penalty was imposed by the disciplinary authority himself, i.e. the Senior Divisional Operations Manager.

6. The learned counsel for the respondents has shown us letter No. P-90(D&A)/Misc./ dated 28.8.84 issued by the Chief Personnel Officer, SC Railway which clarifies that Senior Divisional Safety Officer/Divisional Safety Officer in a divisional set-up forms a part of the operating department and he could exercise the powers of disciplinary authority in respect of operating staff in a Division. However, the said letter does not refer to any authority conferred on the Chief Personnel Officer to issue the said circular to a lower authority. The clarification has also not been issued by the General Manager of South Central Railway. The respondents have not in their re-

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initiate the disciplinary proceedings. In other words, it is not shown that the DSO was ^acompetent authority, although below the rank of the DSO, to institute the enquiry in which case only the ratio laid down by the Supreme Court would have been applicable. Since the position is rendered doubtful about the competency of the DSO to issue the charge-sheet in the above mentioned circumstances, we have no alternative but to quash the impugned orders.

8. Mr. J.R.Gopala Rao, Standing counsel for the Railways strenuously urged that the safety department is inextricably connected with the operating department and therefore the DSO could not be said to be a person thoroughly unconnected with the operating section in which the applicant was working. In that sense, according to the learned counsel, there was nothing illegal if the General Delegation of Powers made in the year 1984 that charge-memo was issued by the DSO and not by the Sr. DOM who was the disciplinary authority. The difficulty in accepting this argument is that it is not shown that the Sr. DOM had specifically authorised the DSO to act in the instant case or had even subsequently ratified the issuance of charge-memo. The charge-memo obviously should have recited that 'as authorised by the Sr. DOM the charge-memo was being issued.' Although it purports to be issued by a competent authority whose designation is stated as DSO/Hubli, simply because it was issued from the office of DRM, Transportation Branch, that does not automatically spell out the authority of the DSO, nor spells out the authority given to him by the Sr. Divisional Operating Manager. May be this is only a technical aspect and in the routine way under which the different wings of the Division may be functioning everybody concerned may be knowing that the Safety and the Operations Sections under the same Operating Manager would be part of the same establishment. That is not sufficient to

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issuance of charge memo in respect of a staff in operating department. Unfortunately the respondents have not given necessary particulars in their reply on this aspect. That precisely is the contention of the learned counsel for the applicant.

7. In IGP and another Vs. Thavasiappan, (1996) 2 SCC 145, the Hon'ble Supreme Court has laid down that initiation of a departmental proceeding and conducting an enquiry can be by an authority other than the authority competent to impose the proposed penalty. The said principle has been reiterated by following the said decision in Joint Secretary to the Home Department, Madras and Others Vs. R. Ramalingam 1996 (6) SCALE where their Lordships were pleased to negative the contention that the DSP who had issued the charge memo had no jurisdiction to issue the same since he was not the appointing authority. On the strength of these decisions there should be no difficulty if the matter had stood only with the issuance of the charge-memo and initiation of proceedings by the DSO instead of the appointing authority, namely, the Sr. Divisional Operations Manager. If that were the only basis, then, with respect, in view of the decisions of the Supreme Court, we have to negative ^{applicant's} that contention.

However, the facts in the instant case permit us to distinguish it on facts from the decisions in the Supreme Court, with the result their ratio would not apply. The distinguishing feature as discussed above is it has not been shown by the respondents firstly that the Sr. Divisional Operating Manager had specifically authorised the Divisional Safety Officer, Hubli to issue the charge-sheet or initiate the proceedings against the applicant in respect of the subject matter of the enquiry. It has also not been shown that the DSO was concerned with the operating Section and if he were not, whether the Divisional Sr. Operations Manager could have authorised him at all to

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institute fresh disciplinary proceeding against
the applicant, if so advised, as observed earlier
in the judgement.

(3) NO order as to costs.

प्राप्ति की तरीफ की जाएगी
CERTIFIED TO BE TRUE COPY

Signature
मान्यता अधिकारी
COURT OFFICER
केन्द्रीय प्रबालिक अधिकारी
Central Administrative Tribunal
रजिस्टर नं 2154912
HYDROGEN BENCH

11/97

BB
cert & Dm

केस नं
CASE NUMBER 01279/94
दिनांक का नंबर
Date of Judgement 01/12/96
दावाता तथा विवादी का नंबर
Case No. 01/97
Copy Made Rec'd by
मान्यता अधिकारी (मेरी हस्ताक्षर)
Section Officer (J)

clothe a person with jurisdiction to institute disciplinary proceedings. In the absence of that fact being established by the respondents we are constrained to hold that we are not satisfied that the Divisional Safety Officer was competent to institute the proceedings. There can be no quarrel on the proposition that under Rule 8 of the Railway Service (DR) Rules, it is only the disciplinary authority who can institute a disciplinary proceeding and that can be expanded only to the extent that a lower authority who issues the charge-sheet has been authorised to do so by the disciplinary authority or has been acting under the authority given by the disciplinary authority. Since that element lacks in the instant case, the infirmity must go to the root of the competency of the enquiry proceedings. We hold accordingly.

With the aforesaid finding it is not necessary to examine the second point.

9. We, however, find that the allegations made against the applicant and which were held proved were of a serious nature. Particularly alteration of material records was alleged. Having regard to the same, since we are giving benefit of technical ground to the applicant, we leave it open to the respondents to initiate a fresh proceeding against the applicant, if so advised, and to deal with strictly in accordance with law. In the result the following order is passed:

ORDER

- (1) The impugned orders are hereby set aside and the penalty imposed upon the applicant thereunder is hereby quashed and set aside.
- (2) The respondents, however, will be at liberty to

No. H.T. 195/Dyss/GIN/97.

Annex IX

Received by ^{through Cds} Sub-Enquiry in to the charges levelled
 against Shri. G. Satyanarayana
 (Then actg as 1GDG).
 1226 Exp-Officer
 1855/97

Ref:- No. H.T. 195/Dyss/GIN/97 Dt 07-10-97
 (SF-5) issued by Sr. Dom/UBC.

② No. H.T. 195/Dyss/GIN/97 Dt. 03-10-97
 of Sr. Dom/UBC.

The Enquiry in to the charges levelled
 against you is fixed at Godavari at 10-00 AM
 on 06-11-97 and likely to continue on 07-11-97
 please attend the enquiry with your Defence
 Counsel without fail and you are also
 requested to refer Sr. Dom's letter ^{prescribed}
 under letter No. ② and nominate D.O.C's
 and advise by return in the prescribed
 form and advise the names of witnesses
 to whom you want to examine
 during Enquiry for your defence.

JOK

Date 05-10-97
 Section Supdt.
 S. B. J. Biju

Copy to

① Ss/1GDG. He will Please reserve Officer's
 Rest House or Dormitory on 06-11-97 and 07-11-97
 and also attendance of D.O.C's in D. Domains
 Dyss/1GDG ② Shri. V. S. Venkatesh CQ ADM/UBC
 for Enquiry as witnesses.

Contd. on page 11

②. Sm/AGL: He will please arrange attendance of Shri. M. K. Harish Asm/AGL as witness for Enquiry on 06-11-97 and 07-11-97 without fail.

③. Ss/KBc: He will please arrange attendance of Shri. M. D. Umashankar by Ss/KBc for Enquiry on 06-11-97 and 07-11-97.

④. Tl/GDG: He will please ensure attendance of all staff under his jurisdiction.

⑤. Tl/UBC: He will please ensure attendance of Shri. M. K. Harish Asm/AGL for Enquiry on 06-11-97 and 07-11-97 certain.

⑥. Copy submitted to Dr. Dom/UR with request to attendances of ① Shri. A. Jagannath Sm/GDG (Retired) and ② Shri. A. K. Veliyadhan Sm/GDG (Retired) duly sending Passes for their to pro rounce to present domestic addresses.

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कृष्ण शर्म
• नो रेल. ब्रिंग.
Station Supdt.
G. Rly., Bikaner

B. K. D. P. M.
copy to Dr. Dom/UR

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SOUTH CENTRAL RAILWAY.

(Standard Form No. 1)

Standard Form of Order relating to appointment of Inquiry Officer/Board of Inquiry (Rule 9(2) of R.S.(D&A) Rules, 1968,

Divisional office,
Transportation Branch
No. H/T. 57/195/SC/6/1/92 Hubli, Dt. 06.1993

ORDER

Where an Inquiry under Rule 9 of the Railway Service (Disciplinary and Appeal Rules, 1968) is being held by Shri. Satyendra Jana SS/61 (Name and Designation of the Servant)

Whereas the undersigned consider that an Inquiry Officer should be appointed to inquire into the Charge framed against him vide this office Memorandum (Charges sheet) of even no. dated 07.09.1992.

Now, therefore, the undersigned, in exercise of the powers conferred by Sub-Rule (2) of the said rule, hereby appoints Shri. H. N. Bhatadikar SS/1300 (Name and Designation of the Inquiry officer) as the Inquiry Officer to enquire into the Charge(s) framed against Shri. Satyendra Jana SS/61.

Signature:
Name: (S. EDWIN D. VARGAS)
Design of
the Disci-
plinary
Authori-
ty.

Copy to: Shri. Satyendra Jana SS/61

Copy to: Shri. H. N. Bhatadikar SS/1300

Inquiry Officer, for information. The Officer papers of this office will follow/are enclosed.

Copy to:

Su/-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
HYDERABAD

O.A.NO.1477 OF 1997

G. SATYANARAYANA

APPLICANT.

V/V/S

THE GENERAL MANAGER,
 SOUTH CENTRAL RAILWAY
 SECUNDERABAD & ANOTHER

RESPONDENTS

COUNTER AFFIDAVIT OF RESPONDENTS NO.1 AND 2

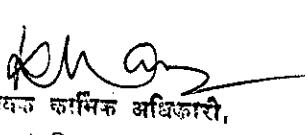
I, U.Vijaykumar, S/o Nageswar Rao, aged major, occupation, Government Service, R/o Hubli, do hereby solemnly affirm and state as under:

1. I am working as Senior Divisional Personnel Officer at Hubli Division of South Central Railway. I am filing this counter affidavit on behalf of Respondents No.1 and 2 as I am authorised to do so.

2. I have gone through the counters of O.A. and am well conversant with the facts of the case.

3. It is submitted that the allegation/averment made in para 3(c) of the O.A. to the effect that the de-nomination enquiry is not permissible under the rules are specifically denied being baseless. The Hon'ble Tribunal by their order dated 6.12.1996 in O.A. No.979/94 was pleased to give liberty to the respondents to initiate fresh disciplinary proceedings against the applicant in view of setting aside the ~~pending~~ ^{penalty} imposed upon the applicant on technical ground and observing that the allegations made against the applicant which were held proved were of a serious nature. So there is no other

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 उपकरण कामिक अधिकारी,
 Assistant Personnel Officer,
 दक्षिण मध्य रेलवे, हुबली,
 South Central Railway HUBLI.

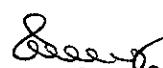

 दरिद्र गंडल कामिक अधिकारी,
 Sr. Divisional Personnel Officer,
 दक्षिण मध्य रेलवे, हुबली,
 South Central Railway HUBLI.

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rules, in fact, required to initiate de novo enquiry against the applicant. The applicant can prove his innocence before the inquiring authorities and conducting an enquiry itself is not a punishment. The D.A. is also not maintainable for plural reliefs sought for in the D.A. i.e. one is questioning the enquiry proceedings and the other is questioning his non-promotion as Station Superintendent/Traffic Inspector in scale Rs.2375-3500 (RSRP).

4. In reply to para 6.1. of the D.A. it is submitted that while the applicant was functioning as Station Superintendent at Gadag Railway Station, there was Total Interruption of communication on 11.5.1991, between Hombal and Gadag Stations. In gross violation of safety rules Train No.239 was permitted to enter into the Block Section between Hombal - Gadag stations during the above period of Total Interruption. The applicant who was acting as Incharge Station Superintendent/Gadag Station has failed (1) to report the occurrence of Total Interruption to Divisional Safety Officer (DSO) and failed to submit a Special Report to the Divisional Railway Manager immediately as required by the extant rules and (2) Instead, with intention to cover up this he has issued unlawful orders to concerned employees (on 14.5.1991) to tamper with the records and to change some entries in the Train Signal Register, Signal and Telecommunication Failure Register etc., with the intention not to


लोकल कार्यालय
Assistant Personnel Officer,
दक्षिण मध्य रेलवे, हुबली.
South Central Railway HUBLI.


दक्षिण मध्य रेलवे, हुबली.
Sr. Divisional Personnel Officer,
South Central Railway HUBLI.

disclose the situation, which is to be treated as an accident (Accident Class E01 as per the Accident Manual.)

A Fact Finding Inquiry was ordered by the Divisional Safety Officer (DSO) in this incidence. The Inspector Safety (Mobile) / Hubli conducted the inquiry and submitted his Special Report to the Divisional Safety Officer. On establishment of a prima facie case against the applicant in the Special Report, the applicant was issued with a Charge Memorandum for major penalty by the Divisional Safety Officer. The inquiry was ordered and the Inquiry Officer has submitted his report in which 2 out of the 4 charges leveled against the applicant were proved. After carefully considering the Inquiry Officer's report, the Senior Divisional Operations Manager (Sr. DOM) imposed the penalty of "REDUCTION IN TIME SCALE OF PAY BY ONE STAGE FOR A PERIOD OF 24 MONTHS WITH CUMULATIVE EFFECT" on the applicant. The applicant then submitted his appeal against the penalty to the Appellate Authority viz. The Divisional Railway Manager (DRM) and on his appeal the Appellate Authority confirmed the punishment imposed on the applicant.

The applicant, under the above circumstances filed the D.A. No. 979/94 before this Hon'ble Tribunal and the Hon'ble Tribunal set aside the impugned penalty order on technical grounds, by their order dated 06.12.1997, since the Charge Memorandum was earlier initiated by the Divisional

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राष्ट्रीय रेलवे कार्यालय, अधिकारी,
Assistant Personnel Officer,
दक्षिण रेलवे रेलवे, हुबली,
South Central Railway HUBLI.

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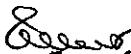
Seeer
वरिष्ठ मंडल कार्यालय अधिकारी,
Sr. Divisional Personnel Officer,
दक्षिण रेलवे, हुबली,
South Central Railway HUBLI.

Safety Officer who was not a cadre controlling officer. While delivering the judgement, the Hon'ble Tribunal has observed in para No.9 that "We however, find that the allegations made against the applicant and which was held proved were of a serious nature, particularly alteration of material records was alleged. Having regard to the same, since we are giving benefit of technical ground to the applicant, we leave it open to Respondents to initiate a fresh proceedings against the applicant, if so advised, and to deal with it strictly in accordance with the law.

5. In reply to para 6.2. of the D.A. it is submitted that based on the above observations of the Hon'ble Tribunal, the Disciplinary Authority has initiated fresh Disciplinary proceedings against the applicant and issued fresh charge sheet as observed in the Judgement, since the allegations made against the applicant are of "serious nature". Fresh Inquiry was not ordered according to para No.10(2) of the Railway Servants' (Discipline & Appeal) Rules, 1968 as alleged by the applicant.

The contention of the applicant that Hon'ble Tribunal had set aside the penalty imposed on the applicant on the basis of earlier inquiry is NOT CORRECT. The Hon'ble Tribunal had set aside the penalty order only on technical grounds i.e. "Divisional Safety Officer was not competent to institute the D.A.R. proceedings" (vide observation on page No.7 of Annexure A-VIII)


 सहायक कार्यालयीकरण अधिकारी,
 Assistant Personnel Officer,
 दक्षिण मध्य रेलवे, हुबली.
 South Central Railway HUBLI.


 दक्षिण मध्य रेलवे, हुबली.
 Sr. Divisional Personnel Officer,
 South Central Railway HUBLI.

As such the ordering of fresh inquiry is based on the observation and order of the Hon'ble Tribunal and hence not in violation of any orders/observation of Hon'ble Tribunal.

6. In reply to para 6.3 of the D.A. it is submitted that the Inquiry Officer who has been appointed to conduct the D.A.R. Inquiry is Senior to the applicant in service and Grade. At present the Inquiry Officer is in Grade Rs.2375-3500 (RSRP) whereas the applicant is in grade Rs.2000-3200 (RSRP). Hence, the Inquiry Officer is competent to conduct the inquiry as he is senior to the applicant and it is not against any rules. The applicant when working in scale Rs.2000-3200 (RSRP) was considered for promotion as Station Superintendent/Traffic Inspector in scale Rs.2375-3500 (RSRP) by the duly constituted Selection Committee under the cadre of restructuring scheme with effect from 1.3.1993 in terms of Railway Board's letter No. PC.III/91/CRC/1 of 27.01.1993. The said letter is produced herewith as Annexure A-1.

It is submitted that the Committee which perused the relevant records including service records of the applicant found that he was UNSUITABLE for promotion to scale Rs.2375-3500 (RSRP) as per modified procedure under restructuring scheme effective under Railway Board's letter at

dkhas
सहायक कार्यालय अधिकारी,
Assistant Personnel Officer,
दक्षिण मध्य रेलवे, हुबली,
South Central Railway HUBLI.

Deen
वरिष्ठ मंडल कार्यालय अधिकारी,
Sr. Divisional Personnel Officer,
दक्षिण मध्य रेलवे, हुबली,
South Central Railway HUBLI.

Annexure R-1. As such, the applicant was not considered for promotion as Station Superintendent/Traffic Inspector in scale Rs.2375-3500 (RSRP) due to restructuring with effect from 1.3.1993.

7. In reply to para 6.4 of the O.A. it is submitted that the applicant submitted a letter on 7.10.1997 asking for additional documents and witnesses to defend his case, without indicating how the documents are relevant. The "NOTE" given under Rule No.9(12) of D&A Rules 1968 reads as "The Railway Servant shall indicate the relevance of documents required by him to be discovered or produced by the Railway Administration."

The following are the records which were asked for by the applicant.

- i) Charge Memo issued to Station Master/Hombal and CSM.
- ii) Matters brought to light during the DAR inquiry.
- iii) DSO's fact finding report.
- iv) Train Signal Register - Caution order, Paper Line Clear Books, Authority to Proceed without Line Clear, S&T Failure Register etc.

It is submitted that the records asked by the applicant in sub-para (i) above are not relevant to his charges. In regard to records asked by the applicant in sub-para (ii) it is submitted that no such document is prepared during the DAR inquiry. In regard to records asked as

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 सहायक कार्मिक अधिकारी,
 Assistant Personnel Officer,
 दक्षिण मध्य रेलवे, हुबली.
 South Central Railway HUBLI.

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 दक्षिण मध्य कार्मिक अधिकारी,
 Sr. Divisional Personnel Officer,
 दक्षिण मध्य रेलवे, हुबली.
 South Central Railway HUBLI.

yet sub-para (iii) it is submitted that fact finding inquiry was conducted only by the Safety Inspector (Mobile) and the copy of the same was already supplied to the applicant. In regard to records asked as yet sub-para (iv) it is submitted that the applicant was asked to contact the Inquiry Officer to inspect the said documents by letter No.H/T.195/Dy.SS/SIN/97 dt. 23.10.1997.

Hence, the contention of the applicant that his request for additional documents were rejected without giving proper reason, is FALSE AND BASELESS.

8. In reply to paras 9 & 10 it is submitted that on 30.9.1997 the applicant had submitted a Petition to the "President of India" and to the "National Commission for SC and ST, New Delhi". Hence the declaration of the applicant that he is not having any other remedy except to invoke the jurisdiction of the Hon'ble Tribunal and the declaration of the applicant that the matter regarding which this application has been made is not pending before any other authority IS NOT CORRECT.

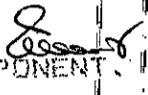
In view of the above submissions there are no merit in the O.A. It is therefore humbly prayed that this

Shrivastava
श्रीवास्तव कान्तक अधिकारी,
Sr. Divisional Personnel Officer,
दक्षिण रेलवे, हुबली,
South Central Railway HUBLI.

Shrivastava
सहायक कामिक अधिकारी,
Assistant Personnel Officer,
दक्षिण रेलवे, हुबली,
South Central Railway HUBLI.

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Hon'ble Tribunal be pleased to dismiss the O.A. with costs in
the interest of justice.


DEPONENT.

प्राप्त नंडल कार्यक अधिकारी,
Sr. Divisional Personnel Officer,
दक्षिण सध्य रेलवे, हुबली,
South Central Railway HUBLI.

Sworn and Signed before me,
on this the 17th day
of January 1993.

ATTESTER


सहायक कार्यक अधिकारी,
Assistant Personnel Officer,
दक्षिण सध्य रेलवे हुप्ली.
South Central Railway HUBLI.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1477/97

Between:

Dt. of Order: 5.11.97

G.Satyanarayana

...Applicant.

And

1. The General Manager, South Central Railway,
Secunderabad.
2. Senior Divisional Operating Manager,
South Central Railway, Hubli.

...Respondents.

Counsel for the Applicant : Mr.K.Sudhakar Reddy

Counsel for the Respondents : Mr.V.Rajeswara Rao

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWARA RAO : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Mr.K.Sudhakar Reddy, for the applicant and Mr.V.Rajeswara Rao
for the respondents.

Notice before admission. The main point for consideration
is whether a fresh charge sheet can be issued in this connection
eventhough in the earlier order in O.A.979/94 permit for issue of a
fresh charge sheet against the applicant, if so advised in the body
of the judgment.

In view of the above submission of the applicant, the enquiry
proceedings initiated is suspended till the OA is admitted or dis-
posed of. List it on 26.11.97


DEPUTY REGISTRAR (J)

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Copy to:

1. The General Manager, South Central Railway,
Secunderabad.
2. Senior Divisional Operating Manager, South Central Railway,
Hubli.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
5. One duplicate copy.

YLKR

TYPED BY
COMPARED BY

C.C. Today
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. DAI PARAMESHWAR :
M (J)

Dated: 5/11/92

ORDER/JUDGMENT

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

in
D.A.NO. 1477/82

Admitted and Interim Directions
Issued.

Allowed ~~NBA~~ list on 26.11.92

Disposed of with Directions

Dismissed

Dismissed as withdrawn

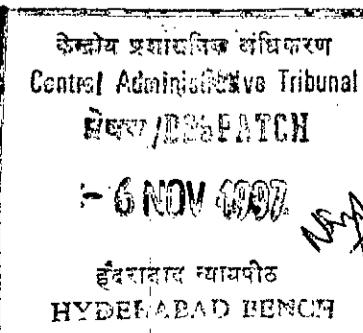
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A. NO. 1477/97

Between:

Dt. of Order: 26.11.97.

G. Satyanarayana

...Applicant.

And,

1. The General Manager, South Central Railway,
Secunderabad.
2. Senior Divisional Operating Manager,
South Central Railway, Hubli.

...Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. V. Rajeswara Rao

CORAM:

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

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

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri K. Sudhakar Reddy, for the applicant and Sri V. Rajeswara Rao, for the respondents.

2. Admit. The interim order passed on 5.11.97 shall be continued until further orders.



DEPUTY REGISTRAR (J)

40
..2..

Copy to:

1. The General Manager, South Central Railway, Secunderabad.
2. The Senior Divisional Operating Manager, South Central Railway, Hubli.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
5. One duplicate copy.

YLKR

YLC
3
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: 26/11/97

ORDER/JUDGMENT

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

in

O.A.NO. 1477/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

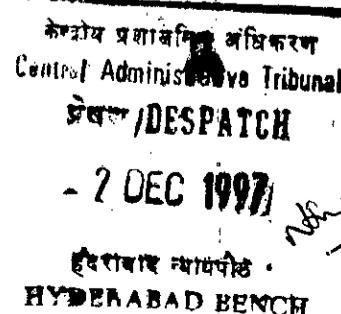
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

MA-327/98 in O.A. NO. 1477/97

Between:

Dt. of Order: 30.4.98.

General Manager, South Central Railway,
Secunderabad.

Sr.Divisional Operating Manager, South Central Railway,
Hubli.

Applicants.

And

1. B. Satyanarayana

Respondents.

Counsel for the Applicants : Mr. V. Rajeswara Rao

Counsel for the Respondents : Mr. K. Sudhakar Reddy

CORAM:

THE HON'BLE SRI R. ANGARAJAN : MEMBER (A)

THE HON'BLE SRI B. S. DAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr. V. Rajeswara Rao for the applicants and Sri K. Sudhakar Reddy for the respondents.

We feel that M.A. is to be allowed as the respondents are not put to any disadvantage by the interim order. Hence M.A. is dismissed.

Y.L.K.R.
1-5-98
DEPUTY REGISTRAR

TO

1. The General Manager, South Central Railway, Secunderabad.
2. Sr.Divl. Operating Manager, South Central Railway, Hubli.
3. One copy to Mr. V. Rajeswara Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. K. Sudhakar Reddy, Addl. CGSC, CAT, Hyderabad.
5. One duplicate copy.

YLKR

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 30/4/88

ORDER/JUDGMENT

~~M.A/R.A/C.P.NO. MA 327/8~~

in

D.A. NO. 147712

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

MA
REMITTED

~~DISMISSED~~
~~DISMISSED AS WT THOBURN~~

~~DISMISSED NO. 25110-1~~

DISMISSED FOR DEFECTS

ORDERED/UNSELECTED

YLKR

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 देवराजार मालवीय
 24 DEBABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1477/97.

Dt. of Decision : 17-03-99.

G.Satyanarayana

.. Applicant.

Vs

1. The General Manager,
SC Railway,
Sec'bad.
2. The Sr.Divl.Operating Manager,
SC Rly, Hubli. .. Respondents.

Counsel for the applicant : Mr.K.Sudhakar Reddy

Counsel for the respondents : Mr.V.Rajeswara Rao,
Addl.CGSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON.Mr.B.S.JAI PARAMESHWAR : MEMBER (J))

Heard Mr.K.Sudhakar Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. During June, 1991 the applicant was issued with a chargememo by the DSO, Hubli. That charge sheet was concluded by imposing ~~the~~ penalty. The applicant challenged the penalty before this Tribunal in OA.979/94. On 6-12-96 the said OA was disposed of by the following directions:-

"(1) The impugned orders are hereby set aside and the penalty imposed upon the applicant thereunder is hereby quashed and set aside.

3

..2/-

(2) The respondents, however, will be at liberty to institute fresh disciplinary proceeding against the applicant, if so advised, as observed earlier in the judgement."

In fact the punishment imposed by the authorities was set aside and liberty was given to the respondents to proceed afresh, if so advised as stated in para-9 of that judgement.

3. Accordingly, the respondent authorities issued a fresh charge memo No.H/T.195/Dy.SS/GIN/97 dated 7-2-97 (Annexure-II) by Sr. DOM, Hubli.

4. The applicant has filed this OA to set aside the said charge memo No.H/T.195/Dy.SS/GIN/97 dated 7-2-97 (Annexure-II) as arbitrary and void-ab-initio and for a consequential direction to the respondents to consider the case of the applicant against the restructured posts of Station Superintendent/TI in the scale of Rs.2375-3500/- w.e.f., 1-3-93 on par with his juniors, duly following the procedure for restructured post and arrange for refixation of his pay and arrears etc., due to him.

5. This OA consists of two prayers (1) to set aside the issue of the charge memo dated 7-2-97 and (2) to promote him against the restructured post. Both the reliefs are not related to each other. Hence, the OA is confined only to the first prayer. The applicant is at liberty to institute such judicial proceedings as he deems fit for obtaining the second prayer in this connection.

6. The respondents have filed the reply stating that the contention of the applicant ^{that} ~~for~~ denovo enquiry was not permissible is not correct that they have issued the charge memo as per the directions given in the earlier OA, that there is no other rule required to initiate denovo enquiry against the applicant and that the applicant can prove his



innocence of the charges levelled against him.

7. During the course of hearing the learned counsel for the applicant relied upon the sub-rule-2 of Rule-10 of the Railway (D&A) Rules, 1965. The Rule-10 relates to the action to be taken by the disciplinary authority on receipt of a report of the enquiry officer. The Sub-rule-2 states that on receipt of the report it may for the reasons to be recorded in writing remit the case to the enquiry officer for further enquiry and the enquiry officer is thereupon to proceed further enquiry according to the provisions and Rule-9 as far as may be.

8. The learned counsel for the applicant relying upon the observations made in para-9 of the order of this Tribunal in OA contend that the respondents have to consider only whether further enquiry can be made or not and that it is not competent for them to issue a fresh chargememo dated 7-2-97. If that was the true interpretation of the directions in the earlier OA we could have accepted his contention. However, the direction in the earlier OA is to institute fresh proceedings. In our humble ~~view~~, "to institute fresh proceedings" mean and only ^{mean} ~~reason~~ to issue a fresh charge memo.

9. The applicant could have sought for clarification from the Bench which issued the direction to clarify whether it was for the respondent authorities to consider only from the stage of representation received from the applicant against the report of the enquiry officer who enquired the charge memo dated 4-6-91 and to proceed further or to issue fresh charge memo.

10. We feel that the contention of the applicant has no substance, for the simple reason that the applicant in the earlier OA had even challenged the competency of the



authority who issued the charge memo the applicant was working as Station Superintendent at Gadag. He was working in the Operating Department. The charge sheet was issued by the Divisional Safety Officer, Hubli. The Safety Department and the Operating Department are two different departments. An official working in Operating Department ^{not} _{will} come under the administrative control of the Safety Department and vice-versa.

11. In the said OA, even though the respondents vehemently attempted to justify the ^{issuance} ~~innocence~~ of the charge memo by the DSO, Hubli, the same was repelled by the Bench. It is only on this technical ground the punishment was set aside and the directions to institute fresh proceedings was issued.

12. Hence, we are not in a position to accept the contention of the applicant that the respondent authorities are not competent to issue fresh chargememo dated 7-2-97.

13. In that view of the matter, we find no merits in this OA and accordingly the OA is dismissed. No order as to costs.


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


(R.RANGARAJAN)
MEMBER(ADMN.)

Dated : The 17th March, 1999.
(Dictated in the Open Court)

spr

Stu 99

Copy to:

1. HDHN 3
2. HARP M(A)
3. HBSJP M(J)
4. O.R.(A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWARI
MEMBER (J)

DATED: 17.3.99

ORDER/ JUDGEMENT

MA/ RA/ CP. NO.

IN

O.A. NO. 1477197

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

SRR

7 copies

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH
30 MAR 1999
हैदराबाद न्यायालय HYDERABAD BENCH

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

HYDERABAD

M.A.No. of 1993

in

O.A.NO.1477 OF 1997

BETWEEN

1) General Manager,
South Central Railway,
Secunderabad.

2) Sr.Divisional Operations Manager
South Central Railway,
Hubli.

APPLICANTS/RESPONDENTS

AND
B.SATYANARAYANA

RESPONDENT/APPLICANT.

AFFIDAVIT

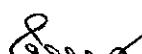
I, U.Vijaykumar S/o Nageshwar Rao, aged major, occupation Government Service, resident of Hubli, do hereby solemnly affirm and state as under:-

1) I am working as Sr.Divisional Personnel Officer, at Hubli Division of South Central Railway, Hubli. I am filing this affidavit on behalf of Applicants/Respondents Nos.1 and 2 as I am authorised to do so.

2. I have gone through the contents of the O.A. and I am well conversant with the facts of the case.

3. It is respectfully submitted that the department has initiated disciplinary proceedings against the respondent/applicant and the same was culminated in passing punishment of reduction in time scale of pay by one stage for a period of 24 months with cumulative effect vide penalty order dated 29.11.1993 and the same was questioned in this Hon'ble Tribunal in O.A. No. 979/94 and then being set aside the said


सहायक कार्यालय अधिकारी,
Assistant Personnel Officer,
दक्षिण रेलवे, हुबली,
South Central Railway HUBLI.

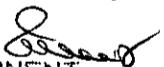

दक्षिण कार्यकारी अधिकारी,
Sr. Divisional Personnel Officer,
दक्षिण रेलवे, हुबली,
South Central Railway HUBLI.

punishment order on technical grounds, the department has initiated fresh disciplinary proceedings in accordance with the liberty given by this Hon'ble Tribunal in the order dated 6.12.96 in O.A. No.979/94.

4. It is further respectfully submitted that the Respondent/Applicant without participating in the enquiry has filed the present O.A. on baseless grounds. This Hon'ble Tribunal granted interim order staying the enquiry proceedings vide order dt. 5.11.1997 and the same was further extended until further orders vide order dt. 26.11.1997. By virtue of the interim orders the department is not in a position to conduct further enquiry. mere issuing of charge sheet is not a punishment and the Respondent/Applicant can prove his innocence, if any, before the Inquiry Authorities and conducting an inquiry will not prejudice his interest.

5. It is respectfully submit that the counter file in the present O.A. may be treated at part and parcel of this affidavit.

6. In view of the above circumstances the Hon'ble Tribunal may be pleased to vacate the interim order dated 5.11.1997 and 26.11.1997 and pass such other order as deemed fit.


DEPONENT

Sworn and Signed before me,
on this the 17th day
of January 1998.

परिवर्तन कामिक अधिकारी,
S. P. Assistant Personnel Officer,
दक्षिण रेलवे, हुबली,
South Central Railway HUBLI.

ATTESTER

10


सहायक कामिक अधिकारी,
Assistant Personnel Officer,
दक्षिण रेलवे हुबली,
South Central Railway HUBLI.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

HYDERABAD

M.A.No.328 of 1998

IN

O.A.NO.1477 OF 1997

BETWEEN

1) General Manager,
South Central Railway,
Secunderabad.

2) Sr.Divisional Operations Manager
South Central Railway,
Hubli.

APPLICANTS/RESPONDENTS

AND
B.SATYANARAYANA

RESPONDENT/APPLICANT.

PETITION UNDER RULE 8(1) OF CAT (P) RULES

For the reasons stated in the accompanying affidavit, the Applicants/Respondents pray that the Hon'ble Tribunal may be pleased to vacate Interim Orders dated 5.11.1997 and 26.11.1997 and pass such other orders as deemed fit.

Hubli

COUNSEL FOR THE APPLICANT/RESPONDENTS

HYDERABAD

DATE. 13/4/98

further. It has also been decided that cases that occurred during the intervening period, i.e. from 1985 onwards, where the Railways have already sanctioned Hospital Leave for periods beyond 120 days on leave salary equal to leave salary while on leave on average pay, need not be re-opened.

This has the approval of the President and issues with the concurrence of the Finance Directorate of the Ministry of Railways.

Necessary code correction will follow.

SERIAL CIRCULAR NO. 8/93.
Circular letter No.P (R) 605/VI Dated: 29-1-1993.

Copy of Board's letter No. E (GP) 86/2/61 dated 22.12.92 is published for information, guidance and necessary action.

Board's letter dated 10/11-1-90 referred to therein was circulated as Gazetted Circular No. 007/90 under letter No. P/GAZ/562/CL III to CL II dated 2.2.90.

Copy of Board's letter No. E (GP) 86/2/61 dated 22.12.92. Addressed to General Managers all Indian Railways and Others.

Sub:- Limited Departmental Competitive Examination for promotion to 30% of Vacancies in the case of posts of Asst. Personnel Officer.

Ref:- Para 2.1 of this Ministry's letter of even number dated 10/11-1-90 on the above subject.

A doubt has been expressed whether the condition of 3 years non- fortuitous service in Grade Rs. 1600-2660 would be applicable for selection for the post of APOs against 70% quota of vacancies.

It is hereby clarified that only those employees who have put in a minimum of 3 years of non-fortuitous service in the Grade 1600-2660 and above are eligible for selections against 70% quota of vacancies of Assistant Personnel Officer.

While selections already finalised based on different interpretations, should not be disturbed, written examinations wherever already held should be allowed to be processed further.

SERIAL CIRCULAR NO. 9/93
No. P. 487/ IV PC/6/CRC/Vol. III Dated: 3.02.1993.

Sub:- Restructuring of certain Group 'C' and 'D' Cadres.

Copy of Railway Board's letter No. PC. III/91/CRC/I dated 27.1.93 regarding restructuring of certain group 'C' and 'D' cadres is published for information, guidance and necessary Prompt action. For the purpose of restructuring the cadre strength as on 1.3.93 is to be taken into account which will include the posts of Leave Reserve and Rest Givers. The staff who will be

PM-I/44 dated 26.5.84 will stand modified to the extent that the minimum eligibility period for the first promotion for filling up vacancies covered in Para 4.1 would be reduced to one year as a one time exception. Thereafter the normal minimum eligibility condition of 2 years will apply.

Basic functions and duties and responsibilities 6. In all categories covered by this letter even though more posts in higher scales of pay have been introduced as a result of restructuring the basic functions, duties and responsibilities attached to their posts at present will continue, to which may be added such other duties and responsibilities, as considered appropriate.

Excess posts 7. Even if prior to issue of this letter the number of posts existing in any grade in any particular cadre exceeds the number of posts admissible on the revised percentages, the excess may be allowed to continue to be phased out progressively with the vacating of the posts by the existing incumbent.

Specific instructions 8. While implementing these orders specific instructions given in the foot note if any, under each category in the enclosed annexure should be strictly and carefully adhered to.

Annual review 9. Annual reviews should be suspended till further instructions from this office.

Provision of reservation 10. The existing instructions with regard to reservation of SC/ST will continue to apply while filling additional vacancies in the higher grades arising as a result of restructuring.

Retired Employees 11. Employees who retire/resign in between the period from 1.3.93 i.e. the date of effect of this restructuring to the date of actual implementation of these orders, will be eligible for the fixation benefits and arrears under these orders w.e.f. 1.3.93.

Direct recruitment percentages 12. Direct recruitment percentages will not be applicable to the additional vacancies arising out of these restructuring orders as on 1.3.93. The percentage will apply for normal vacancies arising on or after 2.3.93. Also the direct recruitment quota as on 28.2.93 will be maintained.

Pin pointing of posts 13. Excepting the highest grade posts in each category, in each category, the promotions should be effected on as is where is basis, as a result of this restructuring. However the administration may later on pin-point these posts as per administrative requirement, as and when the present incumbent vacates the post on retirement.

Provisions of Rest givers 14. promotion transfer etc. As a measure of rationalisation the Railways should provide rest givers staff in the appropriate grade most convenient to the administration at any particular location and need not necessarily be in the same grade.

Refusal of Promotion 15. Such of the Staff as had refused promotion before issue of these orders and stand debarred for promotion may be considered for promotion, in relaxation of the extant orders as a one time exception, if they indicate in writing that they are willing to be considered for such promotion against the vacancies existing on 1.3.93 and arising due to restructuring. This relaxation will not be applicable to vacancies arising after 1.3.93.

16. Instructions for improvement of productivity, rationalisation and economy are being issued separately.

Provision of funds in the Budget 17. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1993-94 and include the same in the Revised Estimate for 1993-94. Payment due to staff on account of the restructuring should be made and booked in the Financial Year 1993-94. The Board desire that the restructuring and posting of staff after due process of selection should be completed expeditiously.

KEY FOR ANNEXURES

1. Annexure 'A'
2. Annexure 'B'
3. Annexure 'C'
4. Annexure 'D'
5. Annexure 'E'
6. Annexure 'F'
7. Annexure 'G'
8. Annexure 'H'
9. Annexure 'I'

- (i) Transportation Traffic Department
- (ii) Transportation Power Department.
- (iii) Transportation Commercial Department
- (iv) Medical Department.
- Staff common to All Engineering Departments + Workshops Technical Supervisor + Arti sans etc
- (i) Accounts + Cash & Pay Department.
- (ii) Signal & Telecommunication department.
- Civil Engineering Department (Gangman) Mechanical Engineering Department (CMT)
- Categories common to more than one Departments

placed in higher grades as a result of implementation of these orders will draw pay in higher grade with effect from 1.3.1993.

The restructuring orders will not be applicable to Ex-Cadre and work charged posts which will continue to be based on worth of charge.

The restructuring orders will also not be applicable to construction Units and Projects. However, for creation of posts in these units the percentage distribution may be generally kept in view, taking into account the availability of funds.

The restructuring orders should be implemented as quickly as possible and a compliance report sent by 31.5.1993.

The Board's letters mentioned in the instant restructuring orders were circulated as indicated below.

Board's letter No. Circulated under this office letter No. & Date.

1. E (NG) I/75/PM-I/44 dated 26.5.84 P(R) 605/III dated 16.6.84 S.C.No. 63/84.
2. E(NG) I/85/PM-I/12 (RRC) Dated 19.2.87. P(R) 605/IV dated 12.3.87 S.C.No. 31/87
3. E(NG) II/92/CD/I dt. 17.7.92. P(R) 563/I dt. 10.8.92 (S.C.No. 105/92)

Copy of Railway Board's letter No. PC. III/91/CRC/1 dated 27.1.93.

Sub: Restructuring of Certain Group C & D cadres.

The Ministry of Railways have had under review Cadres of certain Groups of C&D staff in consultation with the staff side in the Committee of the Departmental Council of the JCM(Rlys.) for some time. The Ministry of Railways with the approval of the President have decided that the Group C&D categories of staff as indicated in the Annexure (Department wise) to this letter be restructured in accordance with the revised percentages indicated therein. While implementing these orders the following detailed instructions should be strictly and carefully adhered to:

Date of effect: 1. This restructuring of cadres will be with reference to the sanctioned cadre strength on 1.3.93. The staff who will be placed in higher grades as a result of implementation of these orders will draw pay in higher grade w.e.f. 1.3.93.

Applicability 2. These orders will be applicable on the regular cadres of the to various Open Line establishments including Workshops and Production Units and will include Rest Giver & Leave Reserve posts.

2.1. These orders will not be applicable to ex-cadre & work charged posts which will continue to be based on worth of charge.

2.2. These instructions will also not be applicable to construc-

tion Units and Projects. However, for creation of posts in these Units the percentage distribution may be generally kept in view, taking into account the availability of funds.

3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1316 (FR 22-C) R II w.e.f. 1.3.93 with necessary option for pay fixation as per extant instructions.

The existing classification of the posts covered by these restructuring orders as selection and non-selection as the case may be remain unchanged. How

ever, for the purpose of implementation of these orders if an individual Railway servant becomes due for promotion to a post classified as a selection post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records and Confidential Reports without holding any written and or viva-voce test. Similarly for posts classified as non-selection at the time of this restructuring the same procedure as above will be followed. Naturally under this procedure the categorisation as 'outstanding' will not figure in the panels. This modified selection procedure has been decided upon by the Ministry of Railways as a one time exception by special dispensation, in view of the numbers involved, with the objective of expediting the implementation of these orders.

4.1. Vacancies existing on 1.3.93 except direct recruitment quota and those arising on that date from this cadre restructuring including chain/resultant vacancies should be filled in the following sequence:

(i) from panels approved on or before 1.3.93 and current on that date; (ii) and the balance in the manner indicated in para 4 above.

4.2. Such selections which have not been finalised by 1.3.93 should be cancelled/abandoned.

4.3. All vacancies arising from 2.3.93 will be filled by normal selection procedure.

4.4. Extant instructions for D&A/Vigilance clearance will be applicable for effecting promotions under these orders with the critical date being 1.3.93.

Minimum 5 years of service in Each Grade While implementing the restructuring orders, instructions regarding minimum period of service for promotion with Gr. 'C' issued under Board's letter No. E(NG)I/85/PM/12 (RRC) dated 19.2.87 and Board's letter No.E (NG) I/75/

Goods Guard	1200-2040	100	80
	1350-2200	-	20
Assistant	950-1400	100	80
Guard/	1200-2040	-	20
Brakesman			
Group 'D'	750-940	50	35
Staff			
Traffic	775-1025	50	65

ANNEXURE - 'B'

STATEMENT REGARDING RESTRUCTURING OF GR. 'C' STAFF
OF TRAFFIC TRANSPORTATION (POWER) DEPARTMENT

Annexure to Board's letter No. PC-III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS/PR)	EXISTING %	AGE	REVISED %
Mail Driver	1640-2900	100	100	
(Superfast				
Mail & Express				
Trains only)				
Passenger	1600-2660	100	80	
Driver/				
Motor Man	1640-2900	-	20	
(All Passenger				
Trains& EMU				
Service Only)				
Goods Driver	1350-2200	100	80	
(All Goods	1600-2660	-	20	
Trains)				
Shunter	1200-2040	100	80	
	1350-2200	-	20	
First Fireman/	950-1500	100	80	
Electrical	1200-2040	-	20	
Assistant/Diesel				
Assistant				
Second	825-1200	100	80	
Fireman	950-1500	-	20	

ANNEXURE - 'C' (i)
STATEMENT REGARDING RESTRUCTURING OF GR. 'C' & 'D'
STAFF OF COMMERCIAL DEPARTMENT

Annexure to Board's letter No. PC- III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS)	EXISTING %	AGE	REVISED %
Commercial	975-1540	30	20	
Clerks	1200-2040	27	35	
including	1400-2300	29	25	
Weigh Bridge	1600-2660	9	12	
Clerks	2000-3200	5	8	
Ticket	950-1500	20	20	
Checking	1200-2040	37	35	
Staff.	1400-2300	29	25	
	1600-2660	9	12	
	2000-3200	5	8	
ECRC	1200-2040	40	40	
	1400-2300	45	40	
	1600-2660	10	12	
	2000-3200	5	8	

*Footnote: The revised percentages will also apply to Weigh Bridge Clerks, where this category exists separately from that of Commercial Clerks. On Railways where Commercial Clerks and weigh Bridge Clerks are in a combined cadre with common seniority the revised percentages will apply to the combined cadre.

**Footnote: The cadre of Train Conductors in Scale Rs. 1400-2300 is to be combined with Ticket Cheking staff in the corresponding scale only, for the limited purpose of determining higher grade posts in scale Rs. 1600-2660 and Rs. 2000-3200, after which the category of Train conductors will continue to exist as a separate category as at present.

ANNEXURE - 'C' (ii)

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D' STAFF OF COMMERCIAL DEPARTMENT

CATEGORY	GRADE (RS)	EXISTING %	AGE	REVISED %
Commercial	1400-2300	35	25	
Inspector	1600-2660	20	15	
Commercial/	2000-3200	40.5	30	

10. Annexure 'J'

Personnel & Statistical Department + Ward Keeping Staff.

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C'
TRANSPORTATION TRAFFIC DEPARTMENT
 Annexure to Board's letter No. PCIII/91/CRC/1
 dated 27.1.1993

CATEGORY	GRADE (RSRP)	EXISTING % AGE	REVISED % AGE
Station	1200-2040	10	10
Masters/ASMs	1400 - 2300	70	47
(Combined Cadre)	1600-2660	10	25
Alternative 1	2000-3200	9	15
	2375-3500	1	3
	ASMs		
Station	1200-2040	13	13
Masters/ASMs	1400-2300	87	61
(Separate Cadre)	1600-2600		26
Alternative 2	1400-2300	13	
	1600-2660	43.5	
	2000-3200	43.5	22
	2375-3500	10% of posts in Grade	65
	Rs.2000-3200		13
Yard Master.	1400-2300	40	40
	1600-2650	40	
	2000-3200	18	40
Traffic	2375-3500	2	17
Inspectors/	1400-2300	24	3
Movement	1600-2660	23	16
	2000-3200	47.7	
Train Clerks	2375-3500	5.3	30
	950-1500	30	25

1200-2040	27	25
1400-2300	23	30
1600-2660	20	20

ANNEXURE -A (ii)
 STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D'
STAFF OF TRAFFIC TRANSPORTATION DEPARTMENT

CATEGORY	GRADE (RSRP)	EXISTING % AGE	REVISED % AGE
Traffic	1400-2600	15	15
Controller	2000-3200	58	55
	2375-3500	27	30
Shunting	1200-1800	40	30
Master/Jamadar	1200-2040	40	45
	1400-2300	20	25
Traffic	975-1540	35	30
Signallers	1200-2040	40	40
	1400-2300	21.5	25
	1600-2660	2.3	3
	2000-3200	1.2	2
Pointsman	800-1150	35	25
Leverman/	950-1500	65	75
Shuntman			
Cabinman	800-1150		
	950-1500	100	75
	1200-1800		25

*Footnote

In the existing combined category of Pointsman/Leverman/Shuntman/Cabinman, the posts of the Cabinman are to be taken in the scale Rs. 950 - 1500.

ANNEXURE -A (iii)

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D' STAFF OF TRAFFIC TRANSPORTATION DEPARTMENT

CATEGORY	GRADE (RSRP)	EXISTING % AGE	REVISED % AGE
Mail Guards	1400-2600	100	100
Passenger	1350-2200	100	80
Guard	1400-2600		20

	2000-3200	27	28
	2375-3500	10	17
Artisan	950-1500	35	30
Staff	1200-1800	35	30
	1320-2040	27	35
	1400-2300	3	5
Artisan	750- 940	30	20
Khalasi	800-1150	70	80
* Drawing/ Design/	1200-2040	20	20
Estimating	1400-2300	30	20
Staff	1600-2660	25	25
	2000-3200	25	35

Footnote: *The Existing posts in scale Rs. 2375-3500 in production Units at ICF, DLW & CLW will continue as a part of the percentage provided for posts in scale Rs. 2000-3200.

ANNEXURE - 'F' (i)

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' STAFF OF ACCOUNTS AND CASH AND PAY DEPARTMENT

Annexure to Board's letter No. PC- III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS)	EXISTING STRUCTURE	REVISED STRUCTURE
Accounts		Ratio 1:7	Ratio- 1:6
Staff		(Between Supervisors(Between Supervisors and Clerks)	
(General A/cs)		SO(A/cs)+Sr.SO(A/cs) and (Accounts Clerk Jr.Accts. Asstt. & Accts. Asstt.)	
Traffic A/cs	Ratio - 1:10	Ratio - 1:9 (Between Supervisors SO(A/cs)+Sr.SO(A/cs) and	

Accounts Clerk
Jr.Accts. Asstt. & Accts.
Asstt.)

		EXISTING % AGE	REVISED % AGE
Finger	1350-2200	50	35
Print	1400-2300	40	50
Examiner	2000-3200	10	15
Cashier	1200-2040	20	20
(Non- Supervisory)	1400-2300	80	60
	1640-2900		20
Shroff	950-1500	40	35
	1200-2040	40	40
	1400-2300	20	25

ANNEXURE F

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' STAFF OF ACCOUNTS & CASH & PAY DEPARTMENT

Annexure to Board's letter No. PC-III/91/CRC/1 dated 27-01-1993.
RESTRUCTURING OF CADRE OF CASHIER (SUPERVISORS)

Railways	Existing Strength (SCALE) (RS)			Restructured Strength revised by CRC (SCALE) (RS)		
	2000-3200	1600-2660	Total	2000-3200	1600-2660	Total
Eastern	15	15	30	20	10	30
S.E. Rly.	11	16	27	17	10	27
N.F. Rly.	7	7	14	10	4	14
N.E. Rly.	10	16	26	13	13	26
S. Rly.	10	21	31	13	18	31
S.C. Rly	9	10	19	13	6	19
Western	10	10	20	15	5	20
Central	11	8	19	15	5	20
Northem	13	19	32	19	13	32
Total	95	122	218	135	83	218

1	2	3	4
Claims/Rates	2375-3500	4.5	30
R&D/Marketing			
Inspectors			
Catering	975-1540	30	20
Inspector	1200-2040	20	20
	1400-2300	20	25
	1600-2660	20	20
	2000-3200	10	15
*** Bill Issuer/	825-1200	66 2/3	55
Catering Stores			
Clerks	975-1540	33 1/3	45
Group 'D'	750-940	50	35
Staff			
(Commercial)	775-1025	50	65

*** Foot Note I - Instructions contained in Board's letter No. PCIII/81/JCM-DC/1 dated 17.7.84 may be kept in view while restructuring the cadre of the bill Issuers/Catering Stores Clerk.

ANNEXURE - 'C' (iii)

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D'
STAFF OF COMMERCIAL DEPARTMENT
Annexure to Board's letter No. PC- III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS)	EXISTING % AGE	REVISED % AGE
Commercial	800-1150	45	30
Cook	950-1500	25	30
	1200-1800	20	25
	1320-2040	10	15
Head Waiter/	800-1150	60	50
Head Bearer	825-1200	40	50
Coach	775-1025	20	15
Attendant	800-1150	80	85
(1st Class)			
Legal Staff	1600-2660	45	30
	2000-3200	55	70

ANNEXURE - 'D'
 STATEMENT REGARDING RESTRUCTURING OF GR. 'C' & 'D'
STAFF OF MEDICAL DEPARTMENT
BOARD'S LETTER NO. PC- III/91/CRC/1 DATED 27.1.93

CATEGORY	GRADE (RS)	EXISTING % AGE	REVISED % AGE
Health &	1200-2040	35	25
Malaria	1400-2300	30	30
Inspector.	1600-2660	25	30
	2000-3200	10	15
Pharmacist.	1350-2200	40	30
	1400-2600	40	30
	1640-2900	20	40
Lab. Staff.	1320-2040	30	20
	1400-2600	40	30
	1640-2900	20	40
Nurses.	1400-2600	40	30
	1640-2900	30	35
	2000-3200	30	35
X-Ray.	975-1540	30	20
	1350-2200	56	50
	1400-2600	5	15
	1640-2900	9	15
Dresser/	800-1150	50	40
OT Asst.	825-1200	47.5	55
	950-1400	2.5	5

* Footnote: The 5% posts in Rs. 950-1400 grade of Dresser/OT Asst. will be admissible if 2.5% posts in Rs. 950-1400 grade are presently available in the cadre. This may be confirmed to Board enclosing authority for allotting grade Rs. 950-1400 to Dressers/OT Asst.

ANNEXURE - 'E'

STATEMENT REGARDING RESTRUCTURING OF GR. 'C' & 'D' STAFF OF ALL
ENGINEERING DEPARTMENTS INCLUDING WORKSHOPS

Annexure to Board's letter No. PC- III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS)	EXISTING % AGE	REVISED % AGE
Technical	1400-2300	33	30
Supervisor	1600-2660	30	25

information, guidance and necessary action.

Copy of Board's letter No. E (G) 90 AL 1-31 dated 19.1.1993.

Sub: Amendment to Indian Rly. Establishment Manual Vol. 1 (Revised Edition 1989) -Para 1004.

The Ministry of Railway's have decided that Para 1004 of the Indian Rly. Establishment Manual Vol. 1 (Revised Edition 1989) should be amended as per Advance Correction Slip No. 7 sent herewith. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

Advance Correction Slip to the I.R.E.M. , Vol. 1 - 1989 Edition.

Advance Correction Slip No. 7.

Para 1004 (i) - IREM (Page 128)

Substitute Sub-Para (i) of Para 1004 as under:-
"When the claim is not over three years old from the date it becomes due, irrespective of the amount involved."

(Authority: Railway Board's letter No. E(G) 90 AL-31 dt. 19.1.93.)

SERIAL CIRCULAR NO. 11/93

Circular letter No. P(R) 227/X DL 09.2.1993

Copy of Adviser Staff Railway Board's D.O. letter No. E(D&A) 92/RG6-176 dated 1.1.1993 is published for information, guidance and necessary action. Board's letter dated 13.12.91 referred to there in was circulated as S.C. No. 35/92 of 24.3.92.

Copy of Adviser Staff Railway Board's D.O. letter No. E(D&A) 92/RG6-176 dated 1.1.93. Addressed to Shri. D.C. Mishra, General Manager S.C. Rly./SC.

Sub:- Procedural lapses in conduct of DAR cases on the Railways.

Kindly Call for my D.O. letter of even number dt. 13.12.91 suggesting ways and means to check occurrence of procedural lapses in conduct of DAR cases on the Railways. It was suggested therein that proper documentation of all relevant rules, circulars/instructions and exposure of concerned officers/staff thereto would go a long way in ensuring that no infirmities creep in the conduct of DAR cases on the Railways.

2. It has come to our notice that even now procedural lapses continue to occur pointing towards the need for reiteration of instructions ibid. I am enclosing an illustrative list of the lacunae. I suggest that an exercise should be launched to update the knowledge of concerned officers/ staff and expose them to recent changes in DAR procedure/rules.

Annexure

1. Framing of Charge Sheets:- Contravention of RS(Conduct) Rules are invoked unnecessarily, as in the case of a Temporary status Casual labour removed from service on charge of securing employment fraudulently by producing bogus Casual labour cards and false declarations. In the Chargesheet it was mentioned that by this act, he had contravened Rule 3 (1) (i), (ii) and (iii) of Conduct Rules. CAT ruled that foundation of charge that the employee contravened Conduct Rules had fallen through because the rules cannot be attracted when the alleged misconduct was committed before he became a railway servant. Reference to infringement of conduct Rules in the Chargesheet could have been avoided as the misconduct previous to employment co-

ANNEXURE - 'G'

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D'
STAFF OF SIGNAL & TELECOMMUNICATION DEPARTMENT

Annexure to Board's letter No. PC- III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS)	EXISTING % AGE	REVISED % AGE
ESM(S&T)	950-1500	20	15
	1200-1800	30	25
	1320-2040	45	50
	1400-2300	5	10
TELEPHONE OPERATOR	950-1500	35	25
	1200-2040	42.5	35
	1400-2300	13	25
	1600-2660	7	11
	2000-3200	2.5	4

ANNEXURE - 'H'

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D'
STAFF OF CIVIL ENGINEERING DEPARTMENT / MECHANICAL
Annexure to Board's letter No. PC-III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS)	EXISTING % AGE	REVISED % AGE
Gangman/	775-1025	30	25
Trolleyman/	800-1150	70	55
Gateman			
Watchman	825-1200		20
	1320-2040	15	15
	1400-2300	35	25
CMT	1640-2900	25	30
	2000-3200	25	30

ANNEXURE - 'I'

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D'
STAFF OF COMMON TO MORE THAN ONE DEPARTMENT

Annexure to Board's letter No. PC-III/91/CRC/1 dated 27.1.93

CATEGORY	GRADE (RS)	EXISTING % AGE	REVISED % AGE
Ministerial	950-1500	20	20

staff (Est. and other than Est. Excluding Accounts Staff)	1200-2040	35	35
	1400-2300	30	25
	1600-2660	10	12
	2000-3200	5	8
Typists	950-1500	35	35
	1200-2040	42.5	25
	1400-2300	13	12
	1600-2660	7	8
	2000-3200	2.5	
Misc. Group 'D' Staff including Safaiwala of C & W Deptt.	750-940	50	35
	775-1025	50	65
Safaiwala excluding C & W Deptt.	750-940	50	35
	775-1025	50	45
	800-1150		20

Footnote: Board's letter No. E(NG) II/92/CD/1 dt. 17.7.1992, may be kept in view while restructuring the cadre of the Typists.

ANNEXURE - 'J'

STATEMENT REGARDING RESTRUCTURING OF GROUP 'C' & 'D'
STAFF OF STORES & PERSONNEL & STATISTICAL DEPTT / PUBLICITY

Annexure to Board's letter No. PC. III/91/CRC/1 dated 27-1-93

CATEGORY	GRADE (RS)	EXISTING % AGE	REVISED % AGE
Ward Keeping	1400-2300	55	40
Staff.	1600-2660	30	35
	2000-3200	15	25
Personnel			
Inspector/	1400-2300	30	25
Welfare			
Inspector/	1600-2660	40	40
HOER Inspector/			
Statistical/Inspectors	2000-3200	30	35
Publicity Inspector.			

SERIAL CIRCULAR NO. 10/93

Circular letter No. P(R) 436/IREM DT. 09.2.1993

Copy of Board's letter No. E(G) 90 AL-31 dated 19.1.1993 is published for

To Vacate Interim
Order No 5-3-97

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : AT HYDERABAD

M.A. NO/ ~~R.A.~~ NO:

OF 1998

IN

CA NO: 1477 OF 1997

~~Extension of time/ Vacate Stay~~
applications filed under Rule
8(3) of CAT(P) Rules 1987

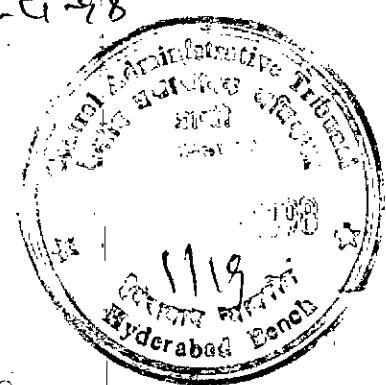
~~Review Application filed under~~
~~S 22(3)(f) of CAT ACT~~

FILED ON: 13-4-98

FILED BY:

V. RAJESWARA RAO
S.C. FOR RAILWAYS/
ADDL. CGSC, HYDERABAD

PH NO: 272585



*Case filed
11/4/98
as per
V.Rao*

328/98 in O.A. 1477/97

पूर्ण/ORIGINAL

30.4.98

Heard Mr. V. Rajeswara Rao
for the applicants and Sri K. Sudhakar Reddy
for the respondent.

We feel that MA is to be
allowed as the respondents
are not put to any dis-
advantage by the interim
order. Hence MA is dismissed.

रेलवे/RAILWAY

केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

M.A. No.

3287

of 1998

IN

O.A. No.

1477

of 1998

HBSTP
M (G)

✓
HRAN
M (A)

To vacate the Interim order

dt. 5-11-97.

Mr.

COUNSEL FOR THE APPLICANTS.
AND

Mr. V. Rajeswara Rao
Sr. ADDL. STANDING COUNSEL FOR C.G. RLY.

Mr. K. Sudhakar Reddy

Form No.8

(See Rule 29)

BY R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

Ist Floor, HACA Bhavan, Opp: Public Garden, Hyderabad-500 004. A.P.

ORIGINAL APPLICATION NO. 1477. OF 199 7.

Applicant (s) **G. Satyanarayana.** V/S,

Respondent (s)

The G.M., SACAR **S.C.Rlys, Sec'bad.&another.**

Represented by

Represented by

Advocate Shri: **K.Sudhaker Reddy.**

Advocate Shri: **V.Rajeswara Rao.**

SC for Rlys.

To

1. The General Manager, South Central Railway, Secunderabad.

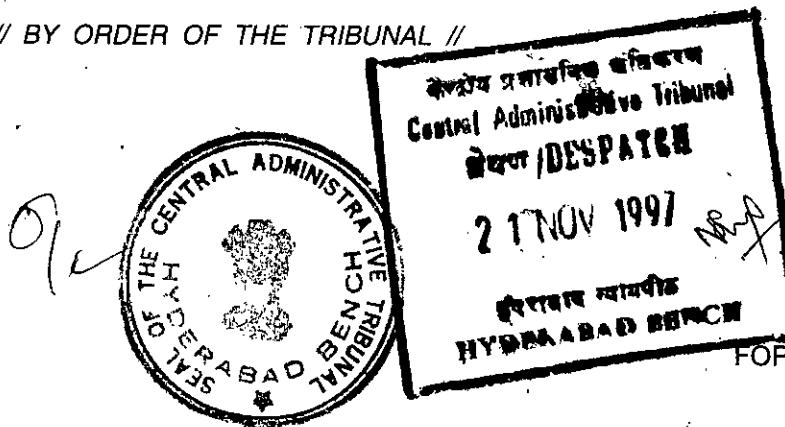
2. The Senior Divisional Operating Manager, South Central Railway, Hubli.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunals Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

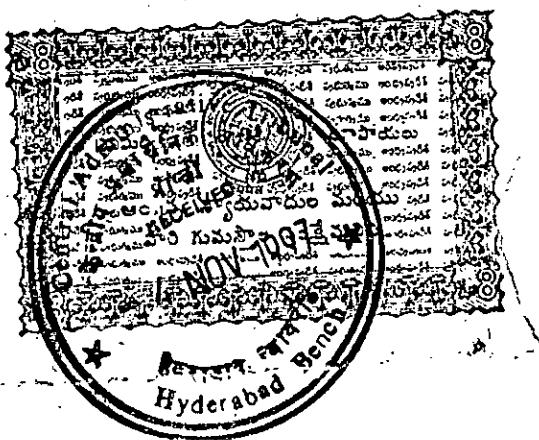
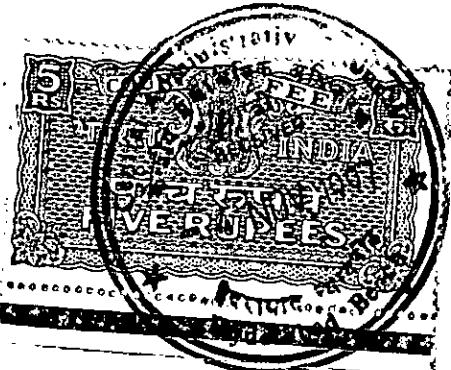
Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a Legal Practitioner Presenting Officer in this matter at 10-30 A.M. of the **Twenty Sixth,** day of **November,** 199..... to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and the seal of this Tribunal, this the **Fifth,** day of **November,** 199.....

CM 10/11/97 // BY ORDER OF THE TRIBUNAL //



Date : **22 7-11-97.**



CA
**High Court of Andhra Pradesh
at Hyderabad**

APPELLATE SIDE

DISTRICT

V A K A L A T

IN

CA No.

of 199

AGAINST

No.

of 199

ACCEPTED

APPELLANT

Advocate for **PETITIONER**

RESPONDENT

K. SUDHAKAR REDDY

B.Sc., LL.B.,

HIGH COURT OF A.P.
ADVOCATE

APPELLANT

Advocate for **PETITIONER**

RESPONDENT

Address for service :

Phone : 551455

Residence : H.No. 2-2-1132/5, Opp. SBI,
New Nallakunta, Hyderabad.

CAT
**In the High Court of Judicature, Andhra Pradesh
at Hyderabad**

APPELLATE SIDE

O A. No. 1677 of 1997
AGAINST

No. of 199 on the file of the court of

G. Satyanarayana

VERSUS

*General Manager
S&Rly. Services
and another*

Appellant

Petitioner

Respondent

Appellant

Petitioner

I/We

In the above Appeal /Petition do hereby appoint and retain

K. SUDHAKAR REDDY

B.Sc., LL.B.,



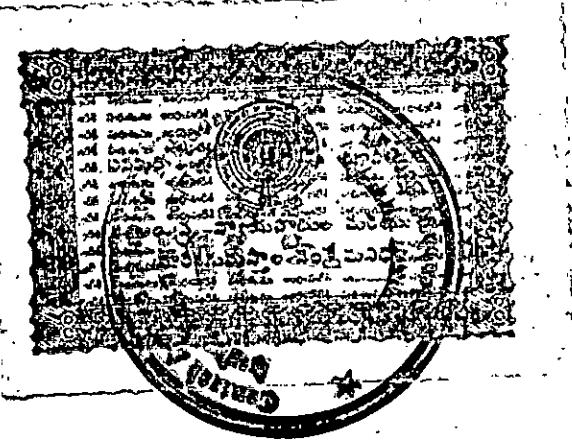
Advocate/s of the High Court to appear for Me/Us in the above Appeal/Petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including applications for return of documents or the receipt of any money that may be payable to Me/Us in the said appeal/Petition and also to appear in all appeals, and applications under clause XV of the Letters Patent and in applications for review and for have to appeal to the Supreme Court

I certify that the contents of this Vakalat were read out and explained in.....
my presence to the executant, or executants who appeared perfectly to understand the same and made his, or her or their signature or mark or marks in my presence.

Executed before me this

4 15 day of Nov 1997

*Parvathy
Devi HS*



✓ R

Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.

OA/CA No. 1477 of 1997

MEMO OF APPEARANCE

V. RAJESWARA RAO
ADVOCATE

Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Counsel for... RESPONDENT

Address for Service :

104/2 RT, Sanjeevar
HYDERABA

**Central Administrative Tribunal, Hyderabad Bench,
HYDERABAD.**

OA/CA No. 1477 of 1997

BETWEEN

T. Sathyanarayana

Applicant (s)

Vs.

General Manager,
S.C. Railway, Secunderabad

Respondent (s)

MEMO OF APPEARANCE



To,

I V. Rajeswara Rao, Advocate, having been authorised.....

..... (here furnish the particulars of authority)

by the Central/State Government/Government Servent/..... authority/corporation/
society notified under Sec. 14 of the Administrative Tribunals Act, 1985. Hereby appear for
applicant No/Respondent No and undertake to plead and act
for them in all matters in the aforesaid case.

Place : Hyderabad

Date : 13-4-98

Address of the Counsel for Service

V. Rajeswara Rao
104/2 RT. Sanjeevareddy Nagar,
HYDERABAD - 500 038.


V. RAJESWARA RAO
Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Signature & Designation of the Counsel.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYD-1007

C.A.T. 1477/97

Between:

St. of Order: 5.11.97

G. Patyanayana

...Applicant.

And

1. The General Manager, South Central Railway,
Secunderabad.

2. Senior Divisional Operating Manager,
South Central Railway, Hubli.

...Respondents.

Counsel for the Applicant : Mr.K.Sudhakar Reddy

Counsel for the Respondents : Mr.V.R.Jayaram Rao

Order:

NOTICE TO THE RESPONDENTS : PARTIES (1).

NOTICE TO THE PARTIES (2) : PARTIES (2).

THE APPEAL NUMBER AND DATE OF FILING : 26.11.97

Mr.K.Sudhakar Reddy, for the applicant and Mr.V.R.Jayaram Rao for the respondents.

Noticed before admission. The main point for consideration is whether a fresh charge sheet can be issued in this connection even though in the earlier order in C.A.979/94 permit for issue of a fresh charge sheet against the applicant, if so advised in the body of the judgment.

In view of the above submission of the applicant, the enquiry procedure initiated is suspended till the date admitted at the point of. First it on 26.11.97.

इत्यादित इति
CERTIFIED TO BE TRUE COPY

संस्थापक अधिकारी उप रजिस्टर (लाइन)
Court Officer/Dy. Registrar

27/12

X X
DURJITIKA RAO (2)

केन्द्रीय नियन्त्रित अधिकारी

Central Administrative Tribunal

HYDERABAD BENCH

27/12/1997

27/12/1997

27/12/1997

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYD-219

O.A. NO. 1477/97

Between

Dt. of Order: 5.11.97

C. Satyanarayana

...Applicant.

And

1. The General Manager, South Central Railway, Secunderabad.
2. Senior Divisional Operating Manager, South Central Railway, Hubli.

...Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. V. Rajeswara Rao

CORAM:

THE HON'BLE CHIEF P. PANCHAL : MEMBER (A)

THE HON'BLE CHIEF B. S. JAI PANDIT RAO : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Mr. K. Sudhakar Reddy, for the applicant and Mr. V. Rajeswara Rao for the respondents.

Notice before admission. The main point for consideration is whether a fresh charge sheet can be issued in this connection even though in the earlier order in O.A. 979/94 permit for issue of a fresh charge sheet against the applicant, if so advised in the body of the judgment.

In view of the above submission of the applicant, the enquiry proceedings initiated is suspended till the OA is admitted or disposed of. List it on 26.11.97.

** ग्रन्थित ग्रन्थि
CERTIFIED TO BE TRUE COPY

Sudhakar Reddy

Court Officer/Dy. Registrar	SHRI MUNI SINGH
Central Administrative Tribunal	Deputy Registrar
HYDERABAD BENCH	26.11.1997
F.P. No. 2004, 26.11.1997	
1997-1998 P.C. (2004) 1. 10. 1997	
(L) 1622088, V.G.L, 1997-1998	

SD/-x

* * *

DUPUTY REGISTRAR (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYD. BENCH HYD-BNC

C.R. NO. 1477/97

Subject:

Dt. of Order: 26.11.97.

S. Satyanayana

...Applicant

And,

1. The General Manager, South Central Railway, Secunderabad.
2. Senior Divisional Operating Manager, South Central Railway, Hubli.

...Respondents.

Counsel for the applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. V. Rajeswara Rao

COURT:

THE HON'BLE SHRI K. V. RAO : PC 707 (1)

TH. R. T. B. D. T. I. S. C. 311 Admit. : PC 707 (2)

THE TRIBUNAL MADE THE FOLLOWING ORDER

Heard Sri K. Sudhakar Reddy, for the applicant and Sri V. Rajeswara Rao, for the respondents.

2. Admit. The interim order passed on 5.11.97 shall be continued until further orders.

प्रमाणित चाल
CERTIFIED TO BE TRUE COPY

Dushyant

कानूनी अधिकारी उप रजिस्ट्रार (न्यायिक)
Court Officer/Up. Registrar
केंद्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायपाल
HYDERABAD BENCH

3d/-x x
DEPUTY REGISTRAR (2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYD-2000-BENCH HYD

C.A. NO. 1477/97

Between:

Dt. of Order: 26.11.97.

G. Satyanarayana

...Applicant.

And,

1. The General Manager, South Central Railway, Secunderabad.
2. Senior Divisional Operating Managers, South Central Railway, Hubli.

...Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. V. Rajeswara Rao

COURT:

THE HON'BLE SHRI R. VENKATESWARA : MEMBER (A)

THE HON'BLE SHRI B.S. JAI (ADMIRAL) : MEMBER (J)

THE TRIBUNAL TAKE THE FULL STAGE

Heard Sri K. Sudhakar Reddy, for the applicant and Sri V. Rajeswara Rao, for the respondents.

2. Admit. The interim order passed on 5.11.97 shall be continued until further orders.

प्रमाणित कर्ता
CERTIFIED TO BE TRUE COPY

సామాన్య ప్రతికాలి ఉప రాజక్షాసామి (సామి)
Court Officer/Dy. Registrar
కేంద్రీయ ప్రా. నియక అధికారి
Central Administrative Tribunal
హైదరాబాద్ సమయపాఠ
HYDERABAD BENCH

8d/-x x
DEPUTY REGISTRAR (J)

IN THE CENTRAL CHARTERED TRIBAL HIGH COURT OF APPEAL

WA 323/98 in Re. N. 157/97

Dated the 20th day of October, 1998
at the Court House, South Central Bench.

Mr. Justice V. Venkateswaran, Acting Chairman of the
Central Administrative Commission, South Central Bench,
and
Mr. D. S. Venkateswaran, Secretary.

Mr. Justice V. Venkateswaran, South Central Bench,
and
Mr. D. S. Venkateswaran, Secretary.

On the 20th day of October, 1998.

1. Mr. D. S. Venkateswaran, Secretary
Central Administrative Commission, South Central Bench,
and
Mr. D. S. Venkateswaran, Secretary.

Central Administrative Commission, South Central Bench,
Court of the Appellants v. Mr. Justice V. Venkateswaran,
Ex-17

Mr. Justice V. Venkateswaran, Ex-17, (1)

Mr. Justice V. Venkateswaran, Ex-17, (2)

Mr. Justice V. Venkateswaran, Ex-17, (3)

Mr. Justice V. Venkateswaran, Ex-17, (4) and
Ex-17, (5) for the following facts as follows to the satisfaction
of the Court to be true and correct by the Court of Appeal. The facts are
as follows. CERTIFIED TO BE TRUE COPY

Y. Venkateswaran

माधव वेंकटेश रजिस्ट्रर (वारिस)
Court Officer/Dy. Registrar
केंद्रीय न्यायिक बोर्ड
Central Administrative Tribunal
केंद्रीय न्यायिक बोर्ड
HYDERABAD BENCH

1. The General Secretary, South Central Bench, Second Appeal.
2. Mr. D. S. Venkateswaran, South Central Bench, Secretary.
3. One copy to Mr. D. S. Venkateswaran, Ex-17, (1), (2), (3), (4) and (5).
4. One duplicate copy.

Y. Venkateswaran

