

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1687/97

Date of Order : 24.12.97

BETWEEN:

G.Venkata Swamy

.. Applicant.

AND

1. The Union of India,  
Rep. by its General Manager,  
S.C.Rly., Secunderabad.
2. Additional Chief Mechanical  
Engineer, Lallaguda Workshop,  
S.C.Rly., Secunderabad.

3. Chief Works Manager,  
S.C.Rly., Lallaguda,  
Secunderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.J.M.Naidu

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

- - -

CORAM:

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

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O R D E R

{ As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.) }

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None for the applicant. Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant was initially appointed as Khalasi on 1959, promoted to Painter(semiskilled grade) in 1964, and promoted further to Painter(skilled grade) in 1970. In 1980 he was chargesheeted for alleged involvement in a criminal case and was dismissed from service in December 1980. The applicant preferred an appeal against the dismissal and the same was allowed by the appellate authority who order<sup>ed</sup> his

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reappointment as a fresh entrant in the unskilled category. The applicant rejoined service in April, 1982, and retired in 1997 on superannuation. Thereafter there apparently has been complete inaction on the part of the applicant. He made a representation in this regard only on 14.5.97 i.e., after lapse of 14 years.

3. Even though the applicant has not been vigilant about his own rights, the facts and circumstances of the case are similar to O.As 186/95 (disposed of by this Tribunal on 24.2.97) and 281/93 (disposed of on 4.2.94). Thus, although there is a long unexplained delay in pursuing this case, it is not proposed to bar the application on this sole technical ground because the basic issue involved in this case has already been examined in detail in two similar cases in <sup>the</sup> past, one of which as recently as February, 1997.

4. In the result, the following order is passed :-

(1) The Service certificate issued by the Chief Workshop Manager, Lallaguda, is hereby set aside insofar as item 6 viz., 'period of service' is concerned.

(2) The order issued by Additional Chief Mechanical Engineer, Lallaguda, vide Annexure-1 to the OA, is to be merely construed as an order imposing a major penalty on the applicant under the provisions of Rule 6 (5) of Indian Railways D&TA Rules, 1965.

(3) The pay of the applicant in the category of unskilled grade on his reappointment as Khalasi shall be deemed to have been reduced to the minimum in the scale of Rs.196-232 at the relevant time and date.

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(4) The period from his initial removal to reinstatement shall be treated as dies-non.

(5) On the above basis the qualifying service of the applicant shall be reckoned afresh for the purpose of re-fixing his pension.

5. Time for compliance is 4 months from the date of receipt of a copy of this order.


6. Thus, the OA is disposed of. No costs.

  
( H. RAJENDRA PRASAD )  
Member (Admn.)

Dated : 24th December, 1997

( Dictated in Open Court )

sd

  
D. R.

OA.1687/97

Copy to:-

1. The General Manager, South Central Railway, Secunderabad.
2. The Additional Chief Mechanical Engineer, Lallaguda Workshop, South Central Railway, Secunderabad.
3. The Chief Works Manager, South Central Railway, Lallaguda, Secunderabad.
4. One copy to Mr. J.M.Naidu, Advocate, CAT., Hyd.
5. One copy to Mr. v. Rajeswara Rao, Addl.CGSC., CAT., Hyd.
6. One copy to HHRF M(A), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE  
VICE-CHAIRMAN

AND

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

DATED: 24-12-1997

ORDER/JUDGMENT:

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

in

O.A.No. 1687/97

T.A.No.

(W.P.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

प्रेषण / DESPATCH

- 7 JAN 1998

हैदराबाद न्यायपीठ  
HYDERABAD BENCH