

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.546/99

Date of Order: 3.4.2000

BETWEEN :

N.Rama Rao ..Applicant.

AND

1. The Sr.Divisional COMMERCIAL Manager,  
S.C.Railway, Vijayawada.
2. The Assistant Divisional Railway Manager/T,  
S.C.Railway, Vijayawada. ..Respondents.

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Counsel for the Applicant ..Mr.K.S.Murthy

Counsel for the Respondents ..Mr.K.Siva Reddy

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CORAM:

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

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

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O R D E R

)(As per Hon'ble Shri B.S.Jai Parameshwar, Member(J) )

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Mr.K.S.Murthy, learned counsel for the applicant  
and Mr.D.F.Paul for Mr.K.Siva Reddy, learned standing  
counsel for the respondents.

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2. The applicant was working as Ticket Collector at Vijayawada Division of S.C.Railway. On 29.5.93 there was a vigilence check. As a result he was issued with a charge memo in form 11 (SF 11) on 7.6.95. Enquiry was conducted into the said charge memo and <sup>the</sup> enquiry officer submitted his report on 12.11.97. The applicant submitted his representation on 17.12.97 against the findings of the enquiry officer. The disciplinary authority by his proceedings dated 21.3.98 (A-2) imposed a punishment of withholding one annual increment which should ~~will~~ have the effect of postponing the annual increments.

3. Against the said punishment order the applicant submitted an appeal dated 20.4.98 to the appellate authority.

4. The appellate authority by his proceedings No.B/P 86/I/98/6, dated 18.9.98 (A-6) rejected the appeal and confirmed the punishment.

5. The applicant has filed this application challenging the order passed by the disciplinary authority as well as the appellate authority.

6. The order of the appellate authority is at Annexure-6 to the OA. The observations made by the appellate authority reads as follows :-

The undersigned convinced with the action taken by the Disciplinary Authority. The offence committed by the employee is of serious nature and deserves severe punishment to give better image of Railways in the eyes

of public. It is becoming common to harass passengers by Ticket Checking staff and give bad image to Railways. The undersigned do not find any justification to modify the punishment imposed by the Disciplinary Authority. The penalty imposed by the D.A. stands good.

7. The appellate authority has not considered various grounds raised by the applicant in his memo of appeal. The appellate authority appears to have a general impression on the functioning of the Ticket Checking staff <sup>and</sup> disposed of the appeal. We feel the manner in which the appellate authority has considered the appeal of the applicant is not in accordance with the Rule 22 (2) of the Railway Servants (Discipline & Appeal) Rules 1968.

8. The appellate authority without having any views on the functioning of the Ticket Checking staff has to consider and decide the grounds raised by the applicant in his memo of appeal dispassionately and express his views on the points whether <sup>in</sup> the conduct of the enquiry whether the Inquiry Officer followed the principles of natural justice or not. The appellate authority has not disposed of the appeal properly and as per rules.

9. Hence we feel it proper to set aside the order dated 18.9.98 and remit the matter to the appellate authority for consideration afresh in accordance with the Rule 22(2) of Railway Servants (Discipline & Appeal) Rules, 1968.

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9. Hence the following directions are issued :-

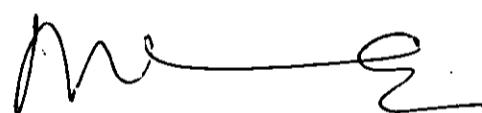
(1) The order bearing No. B/P.86/I/98/6, dated 18.9.98 (A-6) passed by the appellate authority is hereby set aside.

(2) The appellate authority shall consider the appeal of the applicant afresh and pass a suitable speaking order <sup>Considering</sup> ~~taking~~ the grounds raised by the applicant in the memo of appeal.

(3) The appellate authority shall give an opportunity of personal hearing to the applicant.

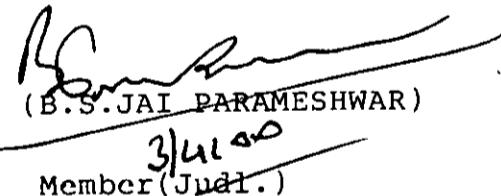
(4) The appellate authority shall dispose of the appeal as expeditiously as possible.

10. The OA is disposed of. No costs.



(R. RANGARAJAN)

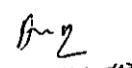
Member (Admn.)



(B.S.JAI PARAMESHWAR)  
3/41/00  
Member (Judg.)

Dated : 3rd April, 2000

(Dictated in Open Court)



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,  
HYDERABAD.

~~1ST AND 2ND COURT~~

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

COPY TO

1. HON'BLE MR. JUSTICE J.H. NASIR  
VICE-CHAIRMAN
2. HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN)
3. HON'BLE M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

DATE OF ORDER 3/4/2000

MA/RA/OP. NO

IN

O.A. NO. 546/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOUED

C.P. CLOSED

R.A. CLOSED

(7 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकार विभाग  
Central Administrative Tribunal  
हैदराबाद, आयरनी  
HYDERABAD BENCH

27 APR 2000

Despatch No.

~~RECORDED~~

ग्राम विभाग/मप्पा/SE 7/10