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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 720/99

DATE OF ORDER : 29.6.1999.

Between :-

1. M.Kumar
2. K.Koteswara Rao

... Applicants

And

1. The Divisional Railway Manager (P),
South Eastern Railways, Waltair,
Visakhapatnam District.
2. The Sr.Divisional Personnel Officer,
South Eastern Railway, Waltair,
Visakhapatnam District.
3. Asst.Mechanical Engineer, South
Eastern Railway, Waltair, Visakhapatnam
District.
4. The Asst.Personnel Officer,
South Eastern Railways, Waltair,
Visakhapatnam Dist.

... Respondents

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Counsel for the Applicants : Shri B.Nageswar Rao

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

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CORAM:

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

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

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

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

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Heard Sri B.Nageswara Rao, learned counsel for the applicant and Sri N.R.Devaraj, learned standing counsel for the Respondents. C. 24

2. There are two applicants in this O.A. The First Respondent issued notification dated 1.4.1997 inviting 123 applications from eligible SC/ST candidates for Non-Technical Posts. In response to the said notification the applicants submitted their applications within the stipulated time. Both the applicants appeared for the test and ^{2nd} have qualified in the physical test. They were called for viva-voce for the post of Khalasi (Non-technical) in the scale of Rs.2,550-3200. They were appointed and posted in Carriage & Wagon Branch at Visakhapatnam Steel Plant vide order dated 21.3.1998.

3. In the meanwhile Respondent No.2 issued letter dated 12-8-1998 to the applicants informing that they were advised to attend the office of C.B.I./SPE, M.V.P.Colony, Visakhapatnam on 19-8-1998 with all Original Certificate (including Caste Certificate and Employment Exchange Registration Card) for verification. While the matter was pending before the C.B.I. the Respondent No.3 issued a termination order dated 7.4.1999 and 14.4.1999.

4. The applicants submit that the termination amounts to major penalty and that no enquiry was held against them. Hence they have filed this O.A. to set aside the impugned

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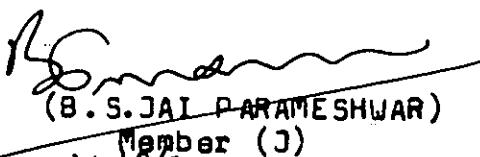
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orders dated 7.4.1999 and 14.4.1999 issued by Respondents 3 and 4 and for a consequential direction to the Respondents to continue the applicants in service.

5. During the course of hearing, it was disclosed that the termination order was issued only on the basis of the investigation conducted by the C.B.I. and it is stated that no Disciplinary Proceedings were initiated against the applicants. It is also stated that not even a show cause notice was issued before issuing ^{the} termination order. In view of this position, the termination orders have to be set aside but liberty has to be given to the Respondents to proceed in accordance with the law. In the result, the following directions are issued :-

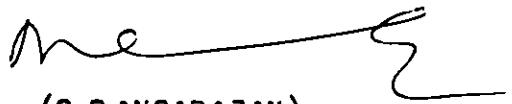
The termination orders of the applicants are hereby set aside. Liberty is given to the Respondents to proceed in accordance with the law for terminating the services of the applicants and the applicants are to be re-instated into service.

6. Accordingly O.A. is disposed of. No order as to costs.


(B.S.JAI PARAMESHWAR)

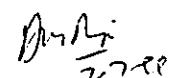
Member (J)

29/6/99


(R.RANGARAJAN)

Member (A)

Dated: 29th June, 1999.
Dictated in Open Court.


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