

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.800 of 1999.DATE OF ORDER:26-7-2000.Between:

D.Ganga Raju.

...Applicant

and

Union of India, represented by:

1. Chief Material Manager,  
Rail Nilayam, 6th Floor,  
South Central Railway,  
Secunderabad.
2. Dy.Controller of Stores(M&G),  
Wagon Workshop, S.C.Railway,  
Guntapalli, Krishna District.
3. Workshop Personnel Officer,  
South Central Railway, Wagon  
Workshop, Guntapalli, Krishna  
District.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.G.S.Rao

COUNSEL FOR THE RESPONDENTS : Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

: O R D E R :

(PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Mr.G.S.Rao, learned Counsel for the Applicant  
and Mr.N.R.Devaraj, learned Standing Counsel for the  
Respondents.

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2. The applicant while working as DSK Grade-III, was issued with a Charge Memorandum and on that basis he was punished by the impugned Memorandum No.GR/P.227/Stores/DGR/96, dated 30-7-1998, (Annexure.A-4, page 19 to the OA), by reverting him as Senior Clerk for a period of three years with cumulative effect with loss of seniority with effect from 1-8-1998.

3. Against that the applicant filed an appeal dated 18/19-8-1998, (Annexure.A-5, page 21 to the OA). <sup>That</sup> appeal is still to be disposed of.

4. This OA is filed to set aside the impugned Order of punishment bearing Memorandum No.GR/P.227/Stores/DGR/96, dated 30-7-1998 of the Respondent No.2 with all consequential benefits.

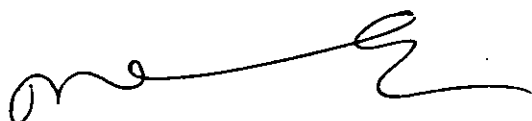
5. The procedure to be followed in this case is incomplete. The applicant has got a <sup>alternate</sup> redressal grievance machinery by way of appeal to the higher authorities. No doubt, he has submitted his appeal in August, 1998 itself. For some unknown reasons, the Appellate Authority did not dispose of the appeal and that compelled the applicant to approach this Tribunal by filing this OA on 5-5-1999, after 9 months after he submitted his appeal. Such an undue delay on the part of the respondents cannot be condoned. They have to pay cost for that.

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6. As an alternative channel for redressal of the grievance of the applicant is available now, we feel that a direction has to be given to the Appellate Authority to dispose of the applicant's appeal referred to above within a period of 45 days from today. As there was mental agony for the applicant due to non-disposal of his appeal and that forced him to come to this Tribunal after 9 months later, we feel that some exemplary cost has to be awarded to the respondents for the delay. Hence, a sum of Rs.2000/- should be paid to the applicant as costs.

7. The OA is ordered accordingly. ~~No costs.~~



( R.RANGARAJAN )  
MEMBER (A)



( D.H.NASIR )  
VICE CHAIRMAN

DATED: this the 26th day of July, 2000

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Dictated in the Open Court

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DSN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH:HYDERABAD

COPY TO:-

1. HDND
2. HARN ( ADMN ) MEMBER
3. HBSJP (JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY      CHECKED BY  
COMPARED BY    APPROVED BY

THE HON'BLE MR. JUSTICE OH. NASIR  
VICE - CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN)

THE HON'BLE MR. S. JAI PARAMESHWAR  
MEMBER (JUDL)

DATE OF ORDER 26/7/2000

MA/RA/CP.NO

IN

QA. NO. 800/99.

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS T. COSTS

