

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

No.RA 11/2001  
MA 104/2001  
O.A.1120/1999.

DATE OF ORDER : 22.2.2001.

BETWEEN :

Sri V.V.Subbaiah S/o V.Bamanaiah,  
H.S.Fitter Grade-II,  
Gowravaram Village,  
Via Bitragunta,  
Nellore District,  
Pin - 524142.

... Applicant

A N D

1. The Works Manager,  
Wagon Workshop,  
S.C.Railway,  
Guntupalli, Near Vijayawada.
2. Deputy Chief Mechanical Engineer,  
Wagon Workshop,  
S.C.Railway,  
Guntupalli, Near Vijayawada.
3. Chief Workshop Engineer,  
S.C.Railway, Rail Nilayam,  
Secunderabad.
4. The General Manager,  
S.C.Railway,  
Rail Nilayam, Secunderabad.
5. The Secretary,  
Railway Board,  
New Delhi.
6. The Secretary,  
Ministry of Railways,  
Govt. of India,  
New Delhi.

... Respondents

Counsel for the Applicant : Mr.P.V.P.Mruthyunjaya Rao.

Counsel for the Respondents : Ms.Shyama.

C O R A M :

The Hon'ble Mr.B.S.Jai Parameshwar, Member (J).

The Hon'ble Mr.M.V.Natarajan, Member (A).

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O R D E R

Hon'ble Mr.B.S.Jai Parameshwaram Member (J).

Heard Mr.P.V.P.Mruthyunjaya Rao for the applicant and Ms.Anuradha for Ms.Shyama for the respondents.

2. The applicant was removed from service as a measure of penalty by an order dated 8.6.1995 w.e.f 10.6.1995.

The punishment was challenged by the applicant in the O.A.

3. Considering the various averments made in the application and after hearing the ld.counsel for the applicant, this Tribunal felt that the punishment order could not be sustained for the following reasons :

a) Necessary documents were not produced to substantiate the charges in coming to the decision.

b) Incompetent authority had issued the charge sheet although it was a major punishment of ~~that~~ of removal from service.

c) Non-examination of a vital witness was treated as violation of the principles of natural justice.

4. Accordingly, the punishment was set aside and the applicant was ordered to be reinstated into service but without back wages.

5. The applicant has filed the R.A. seeking review regarding non-granting of back wages to him in the manner indicated in the R.A.

6. The applicant was removed from service on 10.6.1995. The O.A. was decided on 27.10.2000. Considering the long interval between the date of removal and the date of filing of O.A. 1120/1999, this Tribunal felt it not necessary to award any back wages to the applicant.

7. Now the applicant is trying to make out a case that he is eligible for back wages.

8. Not awarding back wages cannot be an erroneous judgment. If the applicant feels that it is erroneous, he is to approach the proper judicial forum.

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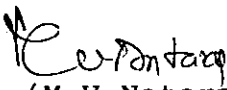
9. The ld. counsel for the applicant relied upon the decision of the Hon'ble Supreme Court in the case of Jai Bhagwan vs. Ambala Central Cooperative Bank (1983 (4) SC Cases 611). The said decision was passed after considering the provisions of the Industrial Disputes Act.

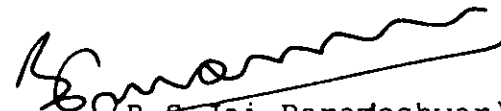
The applicant in the instant case was terminated under the Railway Servants (Discipline & Appeal) Rules, 1968. Hence we feel that the facts of the reported case are quite different to the facts of the case at hand.

10. In view of what has been stated above, we find no merit to review the order passed in the O.A. The R.A. is dismissed.


11. The reliefs claimed in M.A.104/2001 are as the same as claimed in R.A. 11/2001. As the RA is dismissed, the MA is also dismissed.

12. No order is passed as to costs.

  
(M.V. Natarajan)  
Member (A)

  
(B.S. Jai Parajeshwar)  
22.2.2001  
Member (J)

DATED THE 22ND February, 2001  
DICTATED IN OPEN COURT

  
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