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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

R.A. 46/2000

in

Date: 9.8.2000

O.A. 824/99

Between:

U. Nageswara Rao

.. Applicant

A N D

1. Senior Divisional Commercial  
Manager,  
South Central Railway,  
Vijayawada.

2. Additional Divisional Railway,  
Manager,  
South Central Railway,  
Vijayawada.

3. Chief Commercial Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.

.. Respondents

Counsel for the applicant : Mr. G.V.Subba Rao

Counsel for the respondents: Mr. V. Rajeshwar Rao

Coram:

Hon. Shri R. Rangarajan, Member (A)

Hon. Shri B.S.Jai Parameshwar, Member (J)

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O R D E R

(Per Hon. Shri B.S. Jai Parameshwar, Member (J))

Heard Mr. G.V. Subba Rao, learned counsel for the applicant and Mr. V. Rajeshwar Rao, learned standing counsel for the respondents.

2. The applicant has filed this application praying to review the order dt. 31-3-2000 passed in OA 824/99. By the said order the Tribunal dismissed the application.

3. At the time of hearing of the OA neither the applicant nor his counsel was present. We heard the learned counsel for the respondents and on the basis of the material placed on record we were convinced that there were absolutely no reasons to interfere with the impugned orders passed by the respondent authorities. We were convinced due to the fact that the revisional authority had modified the punishment of compulsory retirement imposed by the disciplinary authority and had imposed a lesser penalty.

4. The applicant has filed this application praying for review of the said order on the following grounds :

- (a) The enquiry was not conducted in accordance with the rules;
- (b) that he was not furnished with the documents requested by him ;
- (c) On the date of incident he was at the RSLR brake wagon and he was not aware of what was going on at SLSR brake wagon. The Asst. Guard was

responsible for loading the unbooked luggages;

(d) The respondents had failed to indicate the loss caused to the railway administration or the particular instances wherein the loss had caused;

(e) The enquiry was conducted with a biased attitude;

(f) The Inquiry Officer did not take into consideration his request for supplying the relevant documents;

(g) The Senior DCM issued a message to the destination station to collect under charges/freight charges in respect of the consignments despatched by the train at the destination stations.

(h) It is stated that in the case of consignments which were received un-entered and unconnected they were to be delivered on obtaining deposit from the consignees claiming delivery of the consignments subject to the condition that they have to produce the original railway receipt failing which the deposit would be forfeited to the administration;

(i) The official belonging to the vigilance department conducted the enquiry and therefore he had a biased attitude towards him;

(j) The misconduct alleged against the applicant is that he had booked 43 bags of unbooked lime by 8690 express in SLR SE 4810 causing pecuniary loss to the railway administration and further attempted to load 51 bags of unbooked limes, out of which 28 bags with misleading markings and 23 without marking in the rear SLR of 8690 express and stacked 52 bags of unbooked limes on

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platform near parcel office without booking.

5. In fact in page-3 of the order we have detailed various grounds on which the applicant had challenged the impugned orders. In the said grounds the applicant had not at all ~~raised the~~ contention that he was detained in the RSLR ~~brakewagon~~ and he was not aware of what was going in the FSLR brakewagon. Now for the first time the applicant is trying to put the blame on the Asstt. Guard ~~of the train~~. When such a contention was not taken in the application it is not for us to consider the same in this application for review.

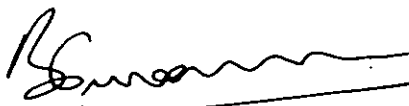
6. The applicant submits that the Tribunal has not properly considered the grounds raised by him. In such an event the order is an erroneous one. An erroneous order cannot be corrected in a review application. The proper remedy open to the applicant is to file an appeal before the <sup>competent</sup> judicial forum.

7. As already observed we were influenced by the fact that the revisional authority had modified the penalty and imposed a lesser penalty. The revisional authority had not at all taken into consideration the loss occurred to the railway administration. Since the respondent authorities are the proper authorities to impose the penalty on the applicant we felt not to

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interfere with the impugned orders.

8. In that view of the matter we feel that there is no error apparent on record warranting review of the order dt. 31-3-2000. Hence the R.A. is dismissed.

  
(B.S. JAI PARAMESHWAR)  
Member (J)

9.8.2000

MD

  
(R. RANGARAJAN)  
Member (A)

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