

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

OA No.624/99
Between:-

Dt. of Order:7.1.2000.

B.Bheem Prasad

...Applicant

And

1. Union of India, rep. by its General Manager,1 S.E.Railway, Garden Reach, Calcutta - 43.
2. Railway Board, rep. by its Secretary, Railway Bhavan, New Delhi.
3. Chief Personnel Officer, S.E.Railway, Garden Reach, Calcutta.
4. Divisional Railway Manager, S.E.Railway, Visakhapatnam.
5. Sr.Divisional Mechanical Engineer (D), Waltair.

...Respondents

COUNSEL FOR THE APPLICANT : Shri P.B.Vijay Kumar

COUNSEL FOR THE RESPONDENTS:Shri D.F.Paul, SC for Rlys

CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR:VICE-CHAIRMAN

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

...2.



(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri P.N.Reddy for Sri P.B.Vijay Kumar, learned counsel for the applicant and Sri D.F.Paul, learned Standing Counsel for the Respondents.

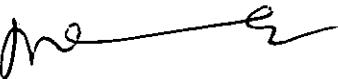
3. The applicant in this OA was appointed in Group-D category in Waltair Division by order dated 7.4.1998 (page-8 to the OA) and his name stands at Sl.No.3. It is stated that C.B.I.,Visakhapatnam filed case for offences punishable under section 120B, 418 and 420 of IPC and Section 13(2) r/w 13(1)(d) of P.C.Act 1988. It is stated that FIR is still pending for adjudication. In the meantime, the Respondents terminated the ^{services} applicant by impugned order No.WPT/D/SC ST/RECTT/97 dated 7.4.1999 (Annexure-I page-7 to the OA).

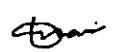
3. This OA is filed to set aside the impugned termination order dated 7.4.1998 and for a consequential direction to the Respondents to re-instate the applicant in his former post in which capacity he was appointed being SC candidates against the back log vacancies with back wages.

3. Both sides submits that this OA is covered by the judgement in OA 651/99 disposed of on 5-10-1999 (T.K.Chandrasekhar Vs. Union of India & Others). We have read the OA Petition, Reply Affidavit filed by the respondents and the judgement in OA 651/99 and came to the conclusion that this OA is covered by the judgement in OA 651/99. Hence the following direction is given :-

The termination order dated 7.4.99 is not sustainable. Hence this OA has to be allowed and it is allowed. The applicant should be re instated into service but this order will not stand in the way of the respondents to take such action as they deem fit on the basis of the material available in this case as per law.

3. The Original Application is ordered accordingly. No costs.


(R.RANGARAJAN)
MEMBER (A)


(D.H.NASIR)
Vice-Chairman

Dated: 7th January, 2000.
Dictated in Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

1/2/2000

COPY TO:

1. HON. J.

2. HRRN M (ADMN.)

3. HBSOP M (JUDL.)

4. D.R. A (ADMN.)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H.NASIR
VICE CHAIRMAN

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

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

* * *

DATE OF ORDER: 7/1/2000

MA/R.A/EP.NO.

IN

OA. NO. 624/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

OP. CLOSED

PA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

9 COPIES

