

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.852/99

dt.8-6-99

Between

J. Krishna Babu

: Applicant

and

1. Genl. Manager
SC Rly., Rail Nilayam
Secunderabad

2. Chief Personnel Officer
SC Rly., Rail Nilayam
Secunderabad

3. Chief Workshop Manager
Wagon Workshop, SC Rly,
Guntupally, Krishna Dist

4. Workshop Personnel Officer
Wagon Workshop, SC Rly,
Guntupally, Krishna Dist.

: Respondents

Counsel for the applicant

: P. Krishna Reddy
Advocate

Counsel for the respondents

: K. Siva Reddy
SC for Railways

Coram

Hon. Mr. Justice DH Nasir, Vice Chairman

Hon. Mr. H. Rajendra Prasad, Member (Adma)

OA.852/99

Dated : 8-6-99

. Order

Oral order (per Hon. Mr. Justice D.H. Nasir, Vice Chairman)

Heard.

1. The applicant is expressing a grievance before this Tribunal that notice of termination No.GR/P.Con/407/JKB/1/99 dated 20-5-99 has been served upon him, which according to the applicant has to be set aside and a direction has to be given to the respondents to continue the applicant in the post in which he is now working, without any break and to give further consequential benefits.
2. The learned Standing counsel Mr. K. Siva Reddy submits that it was necessary for the applicant to submit his explanation to the show cause notice which the applicant has not complied with so far and therefore the applicant is not entitled to the relief which is claimed in the OA.
3. After hearing the parties at length and after going through the documents produced with the OA we are of the opinion that interests of justice will be served if the applicant is directed to tender his explanation to the notice within two weeks from today. After receipt of the explanation, if the respondents are not satisfied with the defence taken by the applicant, the respondents shall not take any further steps without holding a regular departmental inquiry.
4. Hence, this OA is disposed of first with a direction to the applicant to submit his explanation to the show cause notice within two weeks from the date of this order, to the respondents and secondly, with a direction to the respondents to consider the applicant's explanation and

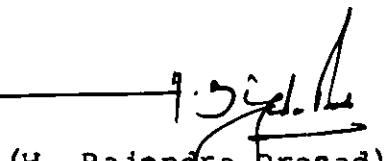
decide whether the same meets with the requirements.


5. If the respondents come to the conclusion that the applicant cannot be absolved from the charges levelled against him, the respondents shall take no further steps without holding a regular departmental inquiry in accordance with law. This exercise shall be completed within four months from the date of receipt of explanation which may be tendered by the applicant.

6. At this stage it is necessary to take note of the submissions of the learned counsel for the applicant that temporary status has already been conferred on the applicant and he is regularised in the service. In that view of the matter it is incumbent upon the respondents to hold a regular departmental inquiry before any punitive action is taken.

7. The status-quo as obtaining today as regards the applicant shall continue till the inquiry is completed and till the disciplinary action, if any, is required to be passed.

8. The OA is disposed of accordingly. No costs.


(H. Rajendra Prasad)
Member (Admn.)


(D.H. Nasir)
Vice Chairman

Dated : June 8, 99
Dictated in Open Court


9688.