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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1001/99

dt. 9-7-99

Between

A. Rajiya Babu

: Applicant

and

1. Union of India, rep. by
its General Manager
SE Rly, Garden Reach
Calcutta-3

2. Divnl. Rly. Manager
SE Rly, Station Road
Near Dondaparthi
Visakhapatnam

3. Sr. Divnl. Personnel Officer
SE Rly, DRM Office Complex
Station Road, Visakhapatnam-4

4. Asstt. Personnel Officer
SE Rly, DRM Office Complex
Station Road, Visakhapatnam-4

5. Asstt. Operation Manager
SER Rly., DRM Office Complex
Station Road, Visakhapatnam-4 : Respondents

Counsel for the applicant : G. Ravi Mohan
Advocate

Counsel for the respondents : N.R. Devaraj
SC for Railways

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

JL

Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(J))

None for the applicant. Mr. W. Satyanarayana for Mr. N.R. Devaraj learned counsel for the respondents.

1. Respondent-2 issued notification dated 1-4-97 and 22-4-97 for recruitment of Diesel Cleaner/Khasasis and Token porters from amongst SC and STs against shortfall quota of the said category.

2. The applicant herein submitted his candidature in response to the said notification. The applicant attended the physical test on 31-12-1997. The applicant passed the physical test and attended the viva-voce test on 28-2-98. After passing these tests he was offered appointment order in the prescribed format calling upon him to indicate his acceptance and also to produce caste certificate in the prescribed proforma. The applicant accepted the offer and also produced the caste certificate No.93/98 issued by MRO, Visakhapatnam in the prescribed proforma.

3. The applicant was appointed ~~was appointed~~ vide Order Estt/Optg/79/98 dt.15-4-1998 posting him as Token porter at Koraput, Orissa under Station Manager, SE Railways.

4. While he was working at Koraput he was advised by the Senior DPO, Waltair, to attend ^{the} CBI office at Visakhapatnam on 19-8-1998 with all the original certificates. Accordingly the applicant appeared before the CBI on 19-8-1998 and produced relevant documents. He submits that he was interrogated.

5. While the matters stood thus, Respondent-4 issued memorandum No.WPT/SC&ST/Rect/1997 dated 7-4-1999 (A-VII)

informing the applicant that he has been discharged from the post of Token porter, Waltair Division.

6. The applicant has filed this OA to quash the termination notice No.WPT/SC&ST/Rect/97 dated 7-4-99 issued by the Respondent No.4 & 5 as being illegal, violative of Article 311(2) of the Constitution of India and ^{the} Railway Servants (Discipline and Appeal) rules, 1968 and rule 301 of Indian Railway Establishment code, Vol.I (1985 edition) and for consequential direction to the respondents to reinstate the applicant into service.

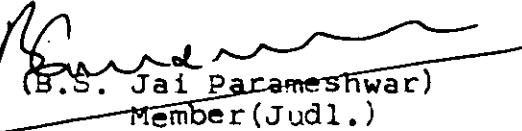
7. The main contention of the applicant is that the impugned order of terminated ⁱⁿ was issued to him without conducting any inquiry ~~and~~ even though the matter was still under the ^{by me} investigation ~~of~~ CBI authorities. It is also stated that even a show cause notice was ^{not} issued ^{to} ~~cause against~~ the impugned notice of termination. In view of this termination order has to be set aside but opportunity has to be given to the respondents to proceed in accordance with law.

8. In the result the following directions are issued :

The notice of termination dated 7-4-99 is hereby set aside.

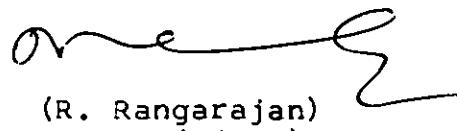
Opportunity is given to the respondents to proceed in accordance with law for termination of the applicant and the applicant is reinstated in to service.

9. Accordingly the OA is disposed of at the admission state. No costs.


(B.S. Jai Parameshwar)

Member(Judl.)

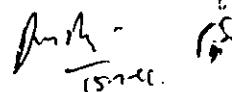
9.7.99


(R. Rangarajan)

Member(Admn.)

Dated : July 9, 99
Dictated in Open Court

sk


Amulya
15-7-99

1st AND 2nd COURT.

COPY TO -

1. H.H.N.3

2. H.H.R. M (A)

3. H.B.S.J.P. M (3)

4. D.R. (A)

5. SPARE

TYPED BY
CARTERED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMIN)

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

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

ORDER: Date. 9-7-99

ORDER / JUDGMENT

MA./RA./CP.NO
IN
DA.NO. 1001/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED..

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

