

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.No.1223/99

Date of order: 03-11-99

Between:

M.Hanumantha Rao

...Applicant

Vs

1. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Chief Engineer,
Construction-IV,
Secunderabad.
3. Deputy Chief Engineer(C),
Guage Conversion,
Madgaon, Goa.

4. The Railway Board,
rep. by its Secretary,
Rail Bhavan,
New Delhi.
(Respondent No.4 impleaded
vide Court order dt.27.10.99
in MA.No.874 of 1999)

...Respondents

Counsel for the applicant - Mr.K.S.Murthy, Advocate

Counsel for the respondents - Mr.V.Rajeshwar Rao, Addl.CGSC

CORAM:

THE HON'BLE MR.JUSTICE D.H.Nasir : Vice-Chairman

...

Order

Heard the learned counsel Mr.K.S.Murthy for the applicant and the learned standing counsel Mr.V.Rajeshwar Rao for the respondents.

2. The respondents are sought to be directed in this OA to release the gratuity to the applicant forthwith.
3. The applicant joined the department as junior clerk in 1962 and later in course of time he was promoted as Senior Clerk, Head Clerk and subsequently as Office Superintendent-II (OS-II) and then OS-I. He pleads that he had earned good name for sincere work and that he had unblemished service record. However on 24.2.1997 a charge sheet was issued against him

alleging that a vigilance check was done in 1996. The applicant submitted a representation on 25.2.1997 to the charge sheet and the disciplinary authority was pleased to pass an order of punishment declaring that 'Censure' will be the appropriate punishment giving reasons for such an order. The appellate authority, according to the learned counsel for the applicant over-stepping his jurisdiction passed suo moto order of conducting the inquiry. This order was passed on 25.4.1997 i.e. five days prior to the retirement. According to the applicant this order was illegal as the 2nd respondent had no jurisdiction or the authority to pass such an order. The inquiry officer recorded his finding that most of the charges were not proved, except that the applicant failed to maintain the register of passes. Further, according to the applicant, he was waiting for the orders of the disciplinary authority on the explanation submitted by him. Further the applicant submits that the respondents had withheld Rs.1.4 lakhs with them and in the name of pending inquiry the authorities have not paid the same to the applicant. The inquiry was over in December, 1997 but no order has been passed by the Inquiry Officer till now. Hence the amount which according to the applicant he is entitled to receive is unlawfully withheld.

4. From the submissions made by the applicant as well as the respondents, it emerges that the ends of justice will be met if a direction is given to the respondents no.1 to 4 to consider the representation of the applicant within the time stipulated in this order.

5. This OA is therefore disposed of with a direction firstly to the applicant to submit a detailed representation in this regard to the Railway Board which has been impleaded

(R)

in this OA and the same shall be disposed of by the Railway Board within 3 months from the date of receipt of the applicant's representation.

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

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(Justice D.H.Nasir)
Vice-Chairman

Dated: 3rd November, 1999
(Order dictated in the open court) *My*
'SA'

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

COPY TO :-

1. BOHN ✓
2. HRRN M (A)
3. BOSJP M (J)
4. D.R. (A) ✓
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY
25/11/99

THE HON'BLE MR. JUSTICE D.H.NASIR
VICE - CHAIRMAN
THE HON'BLE MR.R.RANGARAJAN :
MEMBER (ADMN.)
THE HON'BLE MR.S.S.JAI PARAMESWAR :
MEMBER (JUDL.)

* * *

DATE OF ORDER: 3/11/99

MA/BA/CP. No.

in
DA. NO. 1223/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

