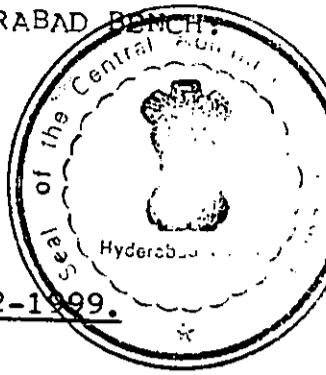


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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.1267 of 1999. & O.A.No.1294 of 1999.

DATE OF ORDER: 31-12-1999.



OA.No.1267/99:

Between:

1. G.S.Venkataramana.	5. M.Sridhar Reddy.
2. D.Narayana Rao.	6. T.Venkatachalam.
3. D.Suryaprakash.	7. K.Subramanyam.
4. P.Poornachandra Rao.	8. P.Liyakath Ali Khan.

.....Applicants

and

1. General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. Senior Divisional Personnel Officer, South Central Railway, Guntakal.
3. Senior Divisional Engineer (Co-ordination), South Central Railway, Guntakal.
4. Union of India, rep. by Secretary, Railway Board, Rail Bhawan, New Delhi.
5. Chairman, Railway Recruitment Board, 18, Miller Road, Bangalore-46.

.....Respondents

OA.No.1294/99:

Between:

1. T.Nagavankataramana.
2. Mohammad Riazur Rahiman.

.....Applicants

and

1. General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. Sr.Divisional Signal & Telecom Engineer (M), South Central Railway, Guntakal.
3. Sr.Divisional Engineer (Co-ordination) South Central Railway, Guntakal.
4. Union of India, rep. by Secretary, Railway Board, Rail Bhawan, New Delhi.
5. Chairman, Railway Recruitment Board, 18, Miller Road, Bangalore-46

.....Respondents

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COUNSEL FOR THE APPLICANT :: Mr. P. P. Vittal
(in both the OAs)

COUNSEL FOR THE RESPONDENTS :: Mr. D. F. Paul
(in both the OAs)

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN
THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

:COMMON ORDER:

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr. M. V. Krishna Mohan for Mr. P. P. Vittal, learned Counsel for the Applicants in both the OAs and Mr. D. F. Paul, learned Standing Counsel for the Respondents in both the OAs.

2. In OA.No.1267 of 1999 there are eight applicants. Their services were terminated by the impugned Orders bearing Memo No.G/P.563/Con/RRB/SBC/Clerks/GSV, dated 17-8-1991, (Annexure A-1), Memo.No.G/P.563/Con/RRB/SBC/Clerks/DNR, dated 17-8-1999, (Annexure A-2), Memo.No.G/P.563/Con/RRB/SBC/Clerks/DS, dated 17-8-1999, (Annexure A-3), Memo.No.G/P.563/Con/RRB/SBC/Clerks/PR, dated 21-8-1999, (Annexure A-4), Memo.No.G/P.563/Con/RRB/SBC/Clerks/99, dated 21-8-1999, (Annexure A-5), Memo.No.G/P.563/Con/RRB/SBC/Clerks/TVC, dated 21-8-1999, (Annexure A-6), Memo.No.G/P.563/Con/RRB/SBC/Clerks/99, dated 21-8-1999, (Annexure A-7, page 19 to the OA), Memo.No.G/P.563/Con/RRB/SBC/Clerks/PLA, dated 21-8-1999, (Annexure A-8), based on the show cause notice issued on 20-4-1999 (Annexure A-21), 20-4-1999 (Annexure A-22), 20-4-1999, (Annexure A-23),

21-4-1999 (Annexure.A-24), 21-4-1999 (Annexure.A-25), 21-4-1999, (Annexure.A-26), 21-4-1999 (Annexure.A-27), and 21-4-1999 (Annexure.A-28 to the OA).^ The applicants have filed this OA to set aside the above impugned termination orders. However, by an Interim Order dated 30-8-1999, the impugned termination orders have been suspended. In view of that the applicants are continuing in service.

3. In OA.No.1294 of 1999 there are two applicants. Their services were terminated by the impugned Orders bearing Memo.No.G/P.563/Con/RRB/SBC/Clerks/TNV, dated 23-8-1999 (Annexure.A-1, page 11 to the OA), and Memo. No.G/P.563/Con/RRB/SBC/Clerks/MRR, dated 21-8-1999, (Annexure.A-2, page 12 to the OA), based on the show cause notice issued on 21-4-1999 (Annexures.A-7 & A-8 to the OA). The applicants have filed this OA to set aside the above impugned termination orders. However, by an Interim Order dated 30-8-1999 the impugned termination orders have been suspended. In view of that the applicants are continuing in service.

4. In both these applications the impugned show cause notice is a serio-type xerox ^{copy} one. The imputation of charge is contained in Para.2 of the show cause notice. That charge is reproduced below:-

"Now it has come to the notice of Railway Board that RRB/Bangalore has not subjected the candidates to typewriting test which was an essential requirement, besides there being certain serious irregularities in the conduct of examination. The Railway Board after considering the matter in totality and taking into account the report of CBI and serious nature of irregularities

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in conduct of selection, have decided to cancel the entire panel and to terminate the services of all the candidates appointed on South Central Railway by giving due notice as per rules."

5. The contentions raised in both the OAs have been examined in detail in OA.No.1265 of 1999, disposed of on 15-12-1999. The directions given in that OA equally holds good in both these OAs. Hence, the following Order is given:-

"The impugned termination Orders dated 17-8-1991, 17-8-1999, 17-8-1999, 21-8-1999 21-8-1999, 21-8-1999, 21-8-1999, 21-8-1999 (Annexures-A1 to A-8 to the OA) are hereby set aside. However, the respondents are at liberty to issue a fresh show cause notice indicating the irregularities noticed in the selection and also any other irregularities which need to be brought to the notice of the applicants herein. The applicants, if they receive such a notice, should reply the same within a period of 45 days from the date of receipt of that notice. On that basis a final decision has to be taken by the respondent-authorities in regard to the termination of the services of the applicants."

6. In both these OAs the applicants are in service. Hence, no further order is necessary for reinstating

them into service in pursuance of the direction given here.

7. Both the OAs are ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

प्रमाणित

CASE NUMBER 08/1267/99 & 08/1294/99
मिर्ज़ा कातारा
DATE OF JUDGEMENT 31.12.99
कृति तिथि 31.12.99
COPY MADE READY ON 11.1.2000

अ. एस. अ. हारी नाम्य अधिकारी
Sub-Registrar Court Officer
कृति तिथि कार्यालय
Central Administrative Tribunal
कृति तिथि कार्यालय
HYDERABAD BENCH