

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
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O.A.No.43/99.

Date of Decision : 10-11-99.

M.Reddy Naik

.. Applicant.

Vs

1. The Assistant Workshop Accounts Officer,  
Carriage Repair Shop, SC Railway,  
Tirupathi.
2. The Sr. Divisional Accounts Officer,  
SC Railway, Guntakal.
3. The Divisional Railway Manager,  
SC Railway, Guntakal.
4. The Dy.Chief Accounts Officer/  
Stores & Workshop,  
(O/o the Financial Advisor &  
Chief Accounts Officer (Workshop Stores)  
Secunderabad.
5. The General Manager,  
SC Railway, Sec'bad.

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.K.Siva Reddy, SC for Rlys.

CORAM:-

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

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

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ORDER

ORAL ORDER (PER HON. SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.S.Ramakrishna Rao for the applicant and  
Mr.K.S.R.Anjaneyulu for the respondents.

2. The applicant was issued with the charge sheet  
No.A/AAD/MRN dated 3-10-97 (Annexure-VIII at Page-21). The  
charge levelled against him reads as follows:-

"He has sublet his Rly.Qrs No.472/B/GTL to one Sri  
Chelan Rtd. Driver for a consideration of Rs.500/- p.m.,  
which was allotted to him."

It is a minor penalty charge sheet. Hence, the applicant  
filed his defence statement by his representation dated  
06-10-97 (Annexure-IX) and that was rejected by the order  
No.A/AD/VIG/MRN dated 5-11-98 (Annexure-XII) whereby the



applicant was punished by withholding his increment for a period of 12 months (NR). Against that order the applicant has filed an appeal dated 9-12-98 (Annexure-XIV). That is still to be disposed of.

3. In the mean time the applicant has filed this OA to set aside the impugned order No.A/AD/Vig./MRN Dt.5-11-98 of R-1 imposing the penalty of withholding of one increment for a period of 12 months and also the eviction proceedings initiated in ~~the~~ evicting the applicant from the quarter with all attendant benefits.

4. An interim order was passed in this OA on 8-1-99 whereby it was directed that the status-quo shall be maintained in regard to the disputed quarter till further orders.

5. A vigilance check was made on 18-6-97 in regard to the occupation of the quarters by allottees. It is stated that one Srinivasan a boy who was sleeping in the house informed the Vigilance Inspector that the house is sublet. That Vigilance check took place on 18-6-97 earlier to the exchange of quarter by order dated 11-8-97. Hence on that date the said quarter was in the name of the applicant. It is stated that Mr.Srinivasan gave a written statement in regard to the sublet of the quarter. On that basis the charge sheet was issued and the applicant was punished.


6. The main contention of the applicant in this OA is that Mr.Srinivasan was forced to state in writing that the said quarter was sublet. When we asked the learned counsel for the applicant to show us in his defence statement addressed to the disciplinary authority in regard to the above statement he could not show any such submission in his representation. We also asked him

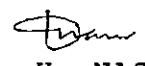
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whether such submission has been made in the appeal he could not show such submission even in that appeal. Hence no further direction can be given in this connection in regard to the relief asked for in this OA. The only direction that can be given in this OA is that the appeal dated 9-12-98 ~~is~~ pending with R-4 should be disposed of. While doing so the R-4 if requested may give a personal hearing also to the applicant. Till such time his appeal dated 9-12-98 is disposed of the interim order dated 8-1-99 shall be in force.

7. With the above direction the OA is disposed of.  
No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(D. H. NASIR)  
VICE CHAIRMAN

Dated : The 10th November, 1999.  
(Dictated in the Open Court)

SPR.

