

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00774 /2016

DATED THIS THE 21st DAY OF NOVEMBER 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI PK.PRADHAN MEMBER(A)

KV.Manjunatha,  
S/o Late K.Vithal Rao,  
Aged about 55 years,  
Working as Station Master,  
Kaduru Junction RS.  
South Western Railway  
Mysore Division,  
Mysore.

....Applicant

(By Shri Izzhar Ahmed, Advocate)

Vs.

1.The Senior Divisional Operating Manager,  
South Western Railway,  
Mysore Division,  
Mysore.

2.The Divisional Railway Manager,  
South Western Railway  
Mysore Division,  
Mysore.

3.The Chief Operating Manager,  
Headquarter,  
South Western Railway  
Gadag Road,Hubli .

4.The Union of India,  
through the General Manager,  
South Western Railway,  
Kesavapura, Hubli.

...Respondents.

(By Shri N.Amaresh... Railway Standing Counsel)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

Heard. There is only one small issue wrong with the punishment given in this case. Punishment has to be given under the scheme of punishment under rules and not in the imagination. The Disciplinary Authority has a right to pass an order which will say that there will be a cumulative effect in the order and that this result will remain with him for the entirety of the service. But, seniority is a different matter. There cannot be any reduction in seniority. There cannot be any way in which the seniority can be affected as it is not the scheme of the punishment. Therefore, we will deduct the word seniority from the punishment order as it is illegal. Other parts of the order will remain as it is. We also note that in Annexure-A4, the Appellate Authority has very wisely discarded the word seniority. But, this order is clarified so that there will not be any further doubt. OA is allowed to this limited extent. No order as to costs.

(PK.PRADHAN)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

bk.

**Annexures referred to by the applicant in OA No. 170/00774 / 2016**

- Annexure-A1:** Copy of the major charge memo dated 16.8.2010
- Annexure-A2:** Copy of the defence reply dated 24.9.2010
- Annexure-A3:** Copy of preliminary inquiry dated 30.10.2010
- Annexure-A4:** Copy of representation dated 1.2.2011
- Annexure-A5:** Copy of regular inquiry dated 27.12.2010
- Annexure-A6:** Copy of the defence reply dated 27.12.2010
- Annexure-A7:** Copy of inquiry report dated 6.1.2011 and letter dated 13.1.2011
- Annexure-A8:** Copy of penalty dated 24.11.2011
- Annexure-A9:** Copy of appeal dated 22.12.2011
- Annexure-A10:** Copy of appellate order dated 10.5.2012
- Annexure-A11:** Copy of review petition dated 18.6.2012
- Annexure-A12:** Copy of review petition dated 12.5.2013
- Annexure-A13:** Copy of review order dated 3.1.2015 and letter dated 5.1.2015
- Annexure-A14:** Copy of mercy petition dated 4.2.2015 and letter dated 8.6.2015
- Annexure-A15:** Copy of office order letter dated 17.12.2013
- Annexure-A16:** Copy of service record.
- Annexure-A17:** Copy of extract Rule -6 of Rule 1968. service record.
- Annexure-A18:** Copy of Railway Board's letter dated 10.12.2014
- Annexure-A19:** Copy of Railway Board's letter dated 5.9.2011
- Annexure-A20:** Copy of Railway Board's letter dated 28.11.2002
- Annexure-A21:** Copy of Railway Board's letter dated 21.4.2008
- Annexure-A22:** Copy of extract Rule -22(2) of Rule 1968.
- Annexure-A23:** Copy of Railway Board's letter dated 24.9.2002
- Annexure-A24:** Copy of extract Rule -25 A of Rule 1968.

Annexures referred to by the applicant in rejoinder

**Annexure-Re 25:** True Copy of DoP&T's OM dated 14.5.2007

**Annexure-Re 26:** True Copy of DoP&T's OM dated 27.10.2013

**Annexure-Re 27:** True Copy of DoP&T's OM dated 10.12.2013

**Annexure-Re 28:** True Copy of DoP&T's OM dated 6.2.2014

**Annexure-Re 29:** True Copy of DoP&T's OM dated 2.1.2015

**Annexure-Re 30:** True Copy of DoP&T's OM dated 22.1.2015

**Annexure-Re 31:** True Copy of order dated 14.6.2010 in 878/2004

