

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A./021/495/2018

Date of Order : 05-06-2018

Between :

V. Thyaga Raju S/o V. Srinivasa Rao,  
Aged 28 years, Occ: Sub Bungalow Peon Gr 'C',  
(Under the order of removal from service),  
R/o Flat No.304, 7<sup>th</sup> Block, Phase-I, Praja Nivas Apartment,  
Mohan Nagar, Kothapet, Hyderabad-35. ...Applicant

AND

1. Union of India represented by  
The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.
2. The Chief Mechanical Engineer,  
South Central Railway,  
Rail Nilayam, Secunderabad.
3. The Chief Wagon Manager,  
Wagon Workshop, Guntupalli,  
Rayanapadu, Krishna District, A.P.
4. The Deputy Chief Mechanical Engineer,  
Wagon Workshop, Guntupalli,  
Krishna District, A.P.
5. M. Srikanth, Senior Divisional Mechanical Engineer,  
South Central Railway, Vijayawada Division,  
Vijayawada, Krishna District, A.P.
6. The Workshop Personnel Officer,  
Wagon Workshop, Guntupalli,  
Rayanapadu, Krishna District, A.P. ...Respondents

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Counsel for the Applicant: Mr. K. R. K. V. Prasad

Counsel for the Respondents : Mr. S. M. Patnaik, SC for Rlys

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CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member )

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Heard Mr. K.R.K.V.Prasad, learned counsel appearing for the applicant and Mr.S.M.Patnaik, learned Standing Counsel for Respondent Railways.

2. The applicant was removed from service by an order dated 27.01.2017 which was passed pursuant to a Departmental Enquiry. The grievance of the applicant is that he was working as Sub Bungalow Peon under the Disciplinary Authority who was harassing him and the applicant made some representation against the Disciplinary Authority and therefore the Disciplinary Authority is incompetent to issue charge memo and so also to assume the role of the Disciplinary Authority.

3. However, the applicant aggrieved by the removal order passed against him, filed an appeal dated 03.03.2017 before 3<sup>rd</sup> Respondent and the same is pending for more than one year without passing any orders. Learned counsel appearing for the applicant submits that since the Disciplinary Authority himself is incompetent to act as such, there is no purpose in deciding the appeal by the 3<sup>rd</sup> Respondent. On the otherhand, the learned Standing Counsel appearing for the Railways would contend that since the appeal is pending with the 3<sup>rd</sup> Respondent, the OA itself is premature and the same ought to have been filed after disposal of the appeal.

4. Having gone through the submissions made by either side, the OA is disposed of at the stage of admission directing the 3<sup>rd</sup> Respondent who is the Appellate Authority to consider all the contentions urged by the applicant in the appeal and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of his order.

5. No order as to costs.

(R.KANTHA RAO)  
JUDICIAL MEMBER

Dated : 5<sup>th</sup> June, 2018.  
Dictated in Open Court.

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