

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/609/2019

Date of Order: 11.07.2019

Between:

T. Senthil Pathy, S/o P.R.Thangavelu, aged about
48 years, Working as Reservation Supervisor
Grade-II (removed), Tirupati Railway Station
Tirupati, Andhra Pradesh.

... Applicant

AND

1. Union of India, rep. by the General Manager
South Central Railway, Rail Nilayam
Secunderabad.
2. The Chief Personnel Officer, South Central
Railway, Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager, South Central
Railway, Guntakal Division, Guntakal.
4. The Additional Divisional Railway Manager
S.C.Railway, Guntakal Division, Guntakal
Anantapur District, Andhra Pradesh.
5. The Senior Divisional Commercial Manager
S.C.Railway, Guntakal Division, Guntakal
Anantapur District, Andhra Pradesh. ... Respondents

Counsel for the Applicant ... Mr. K. Venkateswara Rao.

Counsel for the Respondents ... Mr.S.M.Patnaik, SC for Railways

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

2. OA is filed against the orders of removal of the applicant from
service.

3. Applicant submits that while working for the respondents organisation as Supervisor, Grade –II, he was issued a charge memo under Rule 9 of Railway Servants (D&A) Rules, 1968, on 18.9.2013. Against the issue of the charge memo, applicant filed OA No.1377 of 2015 wherein respondents were directed by an interim order, as to not to pass final orders in the disciplinary case. Yet, 5th Respondent imposed a penalty, which was later withdrawn. Besides, a criminal case was filed for the same set of facts in Criminal Case No.88/2013 which ended in conviction and sentence. Applicant made an appeal in the Appellate Court which was allowed and the conviction as well as the sentence was set aside. Meanwhile, applicant was removed from service by impugned order dated 4.6.2018. Appeal was made on 17.7.2018 and one another representation was submitted on 27.11.2018 to the respondents for reinstatement. The same have not been disposed, though 11 months have lapsed. Aggrieved, the OA has been filed.

4. The contentions of the applicant are that on acquittal by the appellate Court, respondents ought to have revoked the penalty of removal. Appeal has been made within the stipulated period on 17.7.2018 and it was followed up with a further representation on 27.11.2018. Though 11 months have passed, appeal has not been disposed.

4. Heard both the counsel and perused the pleadings placed on record.

5. Learned counsel for the applicant has submitted that the respondents be directed to dispose of the appeal and the representation made to the respondents on 17.7.2018 and 27.11.2018 respectively, for reinstating the applicant. Applicant has been acquitted by the appellate Court and that he has been out of service for quite a few years. The learned counsel for the respondents has submitted that he has no objection for directing the respondents to dispose of the appeal and the representation.

6. Hence, in view of the above submissions made by both the counsel, OA is disposed of by directing the respondents to dispose of the appeal and the representation cited above, within a period of 45 days from the date of receipt of this order by issuing a speaking and well reasoned order.

With the above direction, the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 11th day of July, 2019

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