

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS:BILASPUR

Original Application No.203/00826/2018

Bilaspur, this Tuesday, the 19th day of November, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER

A. Venkat Rao S/o Kanka Rao,
aged about 58 years
Working as Technician-II/Baikunthpur/SECR
R/o Railway Colony,
Churcha Baikunthpur,
Distt-Korea (C.G.) 497335
Mobile No.9000514431

-Applicant

(By Advocate-**Shri A.V. Shridhar**)

V e r s u s

1. Deputy Secretary,
Presidents Secretariat,
Rashtrapati Bhawan,
New Delhi 110004

2. State of Chhattisgarh
Through Chief Secretary
Mahanadi Bhawan,
Mantralaya, New Raipur,
Tahsil and District Raipur (C.G.)

3. Union of India, Through General Manager,
South East Central Railway
Bilaspur (C.G.) 495004

4. Chief Personnel Officer,
South East Central Railway
Bilaspur (C.G.) 495004

- Respondents

(By Advocate-**Shri Vivek Verma**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

The applicant is aggrieved by the inaction of the respondents in deciding the petition under Rule 31 of the Railway Servant (Discipline and Appeal) Rules, 1968 addressed to his Excellency The President of India.

2. The applicant has prayed for the following reliefs:-

“8.1 That, this Hon’ble Tribunal may kindly be pleased to call the entire records of the case from the respondents.

8.2 That, this Hon’ble Tribunal may kindly be pleased to direct the respondent No.1 to place the memorial of the applicant dated 07.11.2016 before the competent authority for decision on merit in a set time frame.

8.3 That, this Hon’ble Tribunal may kindly be pleased to grant any other relief in the given set of circumstance of the case.”

3. The applicant was working as Technician-III under SSE/OHE/KRBA. He was convicted under Section 376(1) and 506-B of IPC and punishment under Section 376 (I) of IPC-RI for 7 years and fine of Rs. 2000/- was imposed. The applicant was issued a show cause notice vide office

memorandum dated 19.01.2005 under Rule 14(i) of the Railway Servants (Discipline and Appeal) Rules, 1968 and was imposed with the punishment of removal from service vide punishment order dated 11.03.2005. The applicant preferred Criminal Appeal No.931/2004 before the Hon'ble High Court of Bilaspur and the Hon'ble High Court vide order dated 09.01.2013 has acquitted the applicant from all the charges leveled against him. Thereafter applicant preferred appeal to the appellate authority i.e. Senior Divisional Electrical Engineer (TRD) and the same was rejected vide order dated 07.05.2013 (Annexure A/2). The applicant thereafter submitted revision petition on 13.06.2013 to Revisionary authority. The revisionary authority vide order dated 20.01.2014 (Annexure A/3) has reinstated the applicant in service on the basis of order dated 09.01.2013 passed by Hon'ble High Court of Chhattisgarh and denied the wages for the period from the date of removal to till date of acquittal by Hon'ble High Court on the principle of 'no work no pay'.

The copy of order dated 22.01.2014 is annexed as Annexure A/3. The applicant thereafter preferred a memorial before His Excellency the President of India by exercising his right under Rule 31 of the Railway Servant (Discipline and Appeal) Rules, 1968 on 07.11.2016 (Annexure A/4) praying for fixation of pay and promotions. The applicant sought information through Right to Information Act on 04.07.2017 whereby it has been informed that the petition dated 07.11.2016 was forwarded in original to the Chief Secretary, Government of Chhattisgarh on 17.11.2016 and no report has been received in this regard and was informed to approach the concerned office. Vide letter dated 11.08.2017, the recognized Union made correspondence with respondent No.2 but no response has been received.

4. As per reply filed by respondents Nos.1, 3 and 4, it has been stated that the applicant submitted memorial to the Hon'ble President of India under Rule 31 of RS (D&A) Rules, 1968 is without following the procedure and

beyond the limitation. The Rule 31 says that nothing in these rules shall operate to deprive a railway servant from exercising his right of submitting a petition to the President in accordance with the instructions contained in appendix II to the IREC Vol.I. The said rule along with appendix is annexed as Annexure R/1 and R/2 respectively.

5. As per reply filed by respondent No.2, it has been stated that when the grievance of the applicant was not addressed to, he wrote a letter to His Excellency the President of India as a result of the same, a letter was addressed to the Chief Secretary of the State of Chhattisgarh by the President's Secretariat on 17.11.2016 which is on record at page 30. In view of the said letter on account of receipt of the letter issued by the President's Secretariat, the said letter was sent to Home Department and thereafter it was updated and uploaded on the website. The same is annexed as Annexure R-2.

6. Learned counsel for the applicant submits that the applicant would be satisfied if the applicant may be permitted to make a fresh memorial to the competent authority who may forward the same to His Excellency the President of India.

7. In view of the above, we feel that end of justice would be met and also in view of the stand taken by respondents, if permission is granted to the applicant to make a fresh memorial to the competent authority who may forward the same to His Excellency the President of India. Accordingly, this Original Application is disposed of, at this stage itself, by granting permission to the applicant to make a fresh memorial before the competent authority within 30 days from the date of receipt of a certified copy of this order, who will forward the same to His Excellency the President of India within 60 days thereafter.

8. With these directions, this Original Application is disposed of.

9. Needless to say that this Tribunal has not commented on the merits of the case.

(B.V. Sudhakar)
Administrative Member

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(Ramesh Singh Thakur)
Judicial Member