

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/932/2019

Dated: 22/10/2019

Between

K. Ramesh, S/o. K.D.V. Prasad,
Aged about 43 years, Occ: Peon/ PRs/SC,
Reservation Complex, South Central Railways,
Secunderabad.

R/o.H.No.6-161, Karepalli Village,
Singareni Mandal, Khammam District.

... Applicant

And

1. Union of India rep. by its
General Manager, South Central Railways,
Rail Nilayam, 3rd floor, Secunderabad.
2. The Chief Commercial Manager,
(Passenger Marketing), S.C. Railways,
1st floor, Reservation Complex, Secunderabad.
3. The Deputy Commercial Manager (PRS),
South Central Railways, 1st floor,
Reservation Complex, Secunderabad.
4. The Enquiry Officer,
Commercial Inspector/ PRS,
O/o. The Chief Commercial Manager,
(Passenger Marketing), S.C. Railways,
1st floor, Reservation Complex, Secunderabad.
5. The Principal Chief Commercial Manager,
Ministry of Railways, Govt. of India,
South Central Railways, DRM Office, Secunderabad.
6. The Senior Divisional Commercial Manager,
South Central Railways, DRM Office,
Secunderabad. ... Respondents

Counsel for the Applicant : Mr. Ch. Satyanarayana

Counsel for the Respondents : Mrs. A.P. Lakshmi, SC for Railways

CORAM :

Hon'ble Ms. Manjula Das, Member (Judl.)

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

ORAL ORDER

{Per Hon'ble Ms. Manjula Das, Member (Judl.)}

This Original Application has been filed seeking to set aside the impugned Memo dated 26.8.2019 issued by the 5th respondent by holding the same as illegal, arbitrary, unreasonable and violative of principles of natural justice and direct the respondents to reinstate the applicant into service with all benefits.

2. The brief facts of the case are that the applicant is a physically handicapped (70% disabled) person. He was appointed as Running Room Cook on compassionate grounds vide proceedings dated 15.11.2003. He approached this Tribunal in O.A. No.653/2005 seeking a direction for change of post. On the directions of this Tribunal, he was given the post of Peon vide order dated 10.7.2006. While working as Peon, he fell sick and joined a private hospital for treatment. As he could not attend to duty for certain periods, he was proceeded on disciplinary grounds which ended in his removal from service. The applicant once again approached the Tribunal in O.A. No.733/2015 and this Tribunal allowed the O.A. and directed the respondents to reinstate the applicant into service and institute denovo inquiry from the stage of appointing the Presenting Officer. Respondents were granted liberty to proceed against the applicant as per law, depending on the outcome of denovo inquiry proceedings. The applicant was reinstated into service and the intervening period from the date of removal from service to the date of reinstatement is treated as Dies Non. Once again Presenting Officer was appointed and inquiry was conducted. After receiving the

inquiry report, the Disciplinary Authority i.e. the 6th respondent vide his order dated 26.8.2019 imposed the penalty of Compulsory Retirement From Service on the applicant. Thereafter the applicant submitted an appeal dated 16.9.2019 to the 3rd respondent requesting to exonerate him from the charges and continue him in service. The appeal is still pending with the respondent authorities.

3. Heard Sri Ch. Satyanarayana, learned counsel for the applicant and Smt. A.P. Lakshmi, learned Standing Counsel for the respondents. Perused the pleadings and the material papers placed before us.

4. In the circumstances, we deem it fit and proper to direct the respondents to dispose of the appeal dated 16.09.2019 preferred by the applicant by considering the same, within a period of three months from the date of receipt of a certified copy of this order. It is made clear that the decision so arrived at by the respondents shall be a reasoned and speaking one and shall be communicated to the applicant forthwith.

5. With the above observation and direction, the O.A. is disposed of at admission stage. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)
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(MANJULA DAS)
MEMBER (JUDL.)