

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

**O.A.No.021/00202/2018 & C.P.021/0052/2019 in O.A.91/2017
Date of Order : 06.06.2019**

O.A.No.021/00202/2018 :

Between :

M.Venugopal Chary, S/o late M.Narasimha Chary,
Aged about 62 years, Occ : Master of Craftsman
(Blacksmith), Retd. in the O/o the I.O.W.,
South Central Railway, Mahaboobnagar. ... Applicant

And

Union of India, rep. by

1. The General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway,
Rail Nilayam, Secunderabad.
3. The Senior Divisional Engineer/Co-Ord/
South Central Railway, Hyderabad Division,
Hyderabad. ... Respondents

C.P.021/0052/2019 in O.A.91/2017 :

Between :

M.Venugopal Chary, S/o late M.Narasimha Chary,
Aged about 62 years, Occ : Master of Craftsman
(Blacksmith), Retd. in the O/o the I.O.W.,
South Central Railway, Mahaboobnagar.
R/O 1-3-75/42 A, Rajendranagar, Mahaboobnagar. ... Applicant

And

Union of India, rep. by

1. Gajanan Malliya, S/o not known,
The General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
2. Motilal Bhookya, S/o not known,
The Chief Personnel Officer, South Central Railway,
Rail Nilayam, Secunderabad. ... Respondents

(Respondent No.3 is not necessary party to this C.P.)

Counsel for the Applicant ... Mr.Mr.K.Siva Reddy, Advocate
Counsel for the Respondents ... Mr.N.Srinatha Rao, S.C.for Rlys.

CORAM:

Hon'ble Mr.Justice L.Narasimha Reddy ... Chairman
Hon'ble Mr.Naini Jayaseelan ... Member (Administrative)

ORAL ORDER

[As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman]

The applicant retired from service as Master Craftsman (Blacksmith) on 31.07.2015 from the South Central Railway. Disciplinary proceedings were initiated against him under Rule 9 of Railway Servants (Discipline and Appeal) Rules, 1968 through proceedings dated 24.07.2015. Challenging the said proceedings, the applicant filed OA 91/2017 before this Tribunal, and it was disposed of on 20.12.2017 directing the respondents to conclude the proceedings within a period of three months from the date of receipt of the order. Subsequently, the applicant filed C.P.52/2019 complaining that the respondents did not implement the order dated 20.12.2017 in OA.91/2017.

2. The applicant filed OA 202/2018 stating that the respondents violated the direction issued by the Tribunal in OA 91/2017 dated 20.12.2017, and have passed order dated 22.02.2018, proposing to recover a sum of Rs.8,60,562/- from him. It is stated that there was absolutely no basis or justification for the concerned authority, to pass the said order.

3. The respondents filed reply statement opposing the OA. It is stated by them that the disciplinary proceedings initiated against the applicant are yet to reach finality and what is stated in the order dated 22.02.2018 is only a proposal and not a final order.

4. We heard Mr.K.Siva Reddy, learned counsel for the applicant and Mr.N.Srinatha Rao, learned standing counsel for the respondents.

5. It is not in dispute that the disciplinary proceedings initiated against the applicant are still pending. As a matter of fact, this Tribunal passed order in OA.91/2017 directing the respondents to pass a final order within a period of three months. It is surprising to note that the Senior Divisional Engineer has chosen to pass order dated 22.02.2018 i.e. the impugned order even by referring the OA 91/2017. For all practical purposes, he pre-judged the issue and virtually left nothing for the competent authority to decide. Added to that, he took a stand in the counter affidavit that what is contained in the impugned order is only a proposal. There cannot be a better instance in non-application of mind or

misdirecting himself by an officer, than this. We totally disapprove the action of the concerned officer in taking such a stand.

6. OA No.202/2018 is allowed and the impugned order dated 22.02.2018 is set aside. It is, however, directed that the steps shall be taken to conclude the disciplinary proceedings as directed by this Tribunal in OA 91/2017 within a period of six weeks from the date of receipt of the order.

7. C.P.52/2019 in OA.91/2017 is also disposed of accordingly. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER(ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

sd