

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

R.A.No.30/2019
in
Original Application No.20/265/2019

Date of C.A.V.: 17.09.2019

Date of Order: 19.09.2019

Between:

P. Venkateswara Rao, S/o. P. Chandra Rao, Group B,
Aged 51 years, Occ: Office Superintendent,
O/o. The Senior Divisional Electrical Engineer (TRS),
Electric Loco Shed, South Central Railway,
Vijayawada Division, Vijayawada.

... Applicant

And

1. Union of India, Rep. by
The General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway, Vijayawada Division,
Vijayawada.
3. The Additional Divisional Railway Manager (Infrastructure),
South Central Railway, Vijayawada Division,
Vijayawada.
4. The Senior Divisional Signal & Telecommunication Engineer,
South Central Railway, Vijayawada Division,
Vijayawada.
5. Ch. Panduranga Vittal,
Occ: Senior Divisional Signal & Telecommunication Engineer,

South Central Railway, Vijayawada Division,
Vijayawada.

6. The Senior Divisional Personnel Officer,
South Central Railway, Vijayawada Division,
Vijayawada.

... Respondents

Counsel for the Applicant ... Mr.K.R.K.V.Prasad
Counsel for the Respondents ... Mrs.A.P. Lakshmi, SC for Railways

CORAM:

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

ORDER

2. The RA has been filed to review the Judgement of this Tribunal, dated 29.07.2019, passed in OA No.020/265 of 2019.

3. The relevant para of the operative portion, i.e. Para 7(V), of the Judgement, is as under:

“7. xxxxxxxxxxxxxxxx

V) In order to right the wrong committed by the respondents, and with a view to ensure that the applicant is afforded the opportunity of preferring an appeal against the penalty order he is permitted to make a comprehensive appeal to the appellate authority with all the relevant details, in addition to what has been stated in the representation to the 3rd respondent, for reinforcing his case. This has to be made within a period of two weeks from the date of receipt of this order. And, the appellate authority, on receipt of the appeal, shall consider the appeal in accordance with law and dispose

the same within 4 weeks from the date of receipt of the appeal. Till the appeal is disposed penalty imposed is suspended. The difference of the amount between salary to be drawn and actually drawn consequent to the execution of penalty since September 2018 shall be refunded to the applicant within 2 weeks of receipt of this order. Ordered accordingly.”

4. The applicant in the RA claims that the respondents have not served the penalty order, therefore, Tribunal directing the applicant to prefer an appeal to the Appellate Authority needs to be reviewed.

5. The matter came up for hearing and during the submissions the learned counsel for the respondents has submitted that the penalty order has not been served on the applicant till date. The reason given by the learned counsel for the respondents is that the applicant has not represented for copy of the penalty order. Learned respondents counsel has further submitted that the applicant did not submit the appeal within the stipulated period, granted by the Tribunal. However, due to death in the applicant's family and for not having been given the penalty order, appeal could not be filed was the response of the learned counsel for the applicant.

6. Reverting to the issue per se, as agreed by the learned counsel for the respondents, the respondents are directed to furnish a copy of the

penalty order to the applicant within two weeks from the date of receipt of a copy of this order. Thereafter, the applicant would prefer an appeal in detail within three weeks of the receipt of the penalty order. Respondents shall thereafter dispose of the appeal within four weeks of receipt of appeal, as per the prevalent rules and regulations of the respondents organization and in accordance with law. Till the appeal is disposed, penalty imposed is suspended. The difference of the amount between salary to be drawn and actually drawn consequent to the execution of penalty since September 2018 shall be refunded to the applicant, within two weeks of receipt of this order. To this extent, the relevant para, quoted above, of the Tribunal's order dated 29.07.2019 is modified without any prejudice to either party.

7. With the above directions the RA is disposed. No costs.

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

Dated, the 19th day of September, 2019

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