

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/495/2022

HYDERABAD, this the 1st day of August, 2022



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. K.V. Eapen, Admn. Member

B. Srinivasa Rao, S/o. B. Subrahmanyam,
Aged about 48 years,
Occ: Loco Pilot (Mail/Express) (Group. C),
O/o. The Chief Crew Controller, Kacheguda Depot,
Hyderabad Division, South Central Railway,
Hyderabad, Telangana State.
R/o. H.No.2-3-756, Ashoka Nagar, Golnaka,
Hyderabad.

.... Applicant

(By Advocate : Sri KRKV. Prasad)

Vs.

1. Union of India rep. by
The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Additional Divisional Railway Manager,
Hyderabad Division, South Central Railway,
Hyderabad Bhavan, Secunderabad.
3. The Senior Divisional Mechanical Engineer,
Hyderabad Division, South Central Railway,
Hyderabad Bhavan, Secunderabad.

... Respondents

(By Advocate: Smt B. Gayatri Varma, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

The OA is filed seeking the following relief:



“to call for the records pertaining to Memorandum dated 04.01.2021 along with penalty order dated 16.07.2021 read with Corrigendum dated 03.08.2021 and set aside and quash the said Memorandum and penalty order with corrigendum granting all consequential benefits and pass such other order or orders in the interest of justice.”

2. I) The applicant, while working as Loco Pilot (Mail & Express), was asked to perform duties of Chief Crew Controller, Kacheguda under the supervision of a Chief Loco Inspector. On the basis of anonymous letter, a Major Penalty Charge-Sheet was issued to the applicant vide Memorandum dt. 20.06.2019. After holding disciplinary inquiry, vide Memorandum dt. 18.09.2019, he was exonerated from the charges.

II) It is further submitted that, on the same very allegation, another charge sheet of minor penalty has been issued to the applicant on 04.01.2021 i.e. after two years. Consequently, the Respondent No.3 issued Penalty Order dt. 16.07.2021 ‘withholding of Annual increments raising his pay from Rs.74,300/- to Rs.76,500/- in level 6 of pay matrix of 7th PC falling due on 01.07.2021 for a period of two years without future effect’. Feeling aggrieved by this, the applicant has submitted appeal to the Appellate Authority on 23.07.2022, which is stated to have been pending.

3. Basically, the contention raised by the applicant in the present Original Application is that the applicant was charge-sheeted twice on the same cause of action, even though he was exonerated from the very same

charges previously, which is contrary to Article 21 of the Constitution of India. Be that as it may.

4. The learned Sr. Standing Counsel, Smt. B. Gayatri Varma, accepted notice on behalf of the respondents and submitted that she is yet to receive instructions from the Department.



5. Heard the counsels for the parties at length.

6. This Tribunal is of the view that since the appeal is pending before the Appellate Authority, this application is premature. Thus, we hereby direct the Appellate Authority to consider the pending appeal of the applicant and dispose of the same by passing a speaking order in accordance with law, within a period of sixty days from the date of receipt of a copy of this order. The Appellate Authority may give the opportunity of personal hearing to the applicant before disposing the appeal of the applicant. Till the disposal of the appeal of the applicant by the Appellate Authority, the Penalty Order dt. 16.07.2021 is stayed. The applicant is at liberty to re-approach this Tribunal if his grievance still subsists.

7. With the above observation, the OA is disposed of at admission stage itself. It is also made clear that we have not gone into the merits of the case. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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