

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/786/2021

HYDERABAD, this the 18th day of November, 2021

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



S.V. Ramesh, S/o S. Appa Rao,
Aged 48 years, Occ: Senior Assistant Loco Pilot,
East Coast Railway, Visakhapatnam,
R/o: Flat No. 504, Lakshmi Residency, P.M. Palem,
Visakhapatnam- 530 041.

... Applicant.

(By Advocate: Mr. A V V S Bhujanga Rao)

Vs.

1. Union of India,
Ministry of Railways,
Rep. by its Principal Secretary,
Railway Board, Rail Bhavan, New Delhi.
2. The General Manager,
East Coast Railway, Bhubaneswar.
3. The Additional Railway Divisional Manager,
East Coast Railway, Visakhapatnam.
4. The Senior Divisional Electrical Engineer,
Operations, East Coast Railway, Visakhapatnam.
5. The Senior Divisional Personnel Officer,
East Coast Railway, Visakhapatnam.
6. The Chief Crew Controller(Loco),
East Coast Railway, Visakhapatnam.

....Respondents.

(By Advocate : Mr. S M Patnaik, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr. B V Sudhakar, Admn. Member)

Through Video Conferencing:

Mr. A V V S Bhujanga Rao, learned counsel for the applicant.



2. Mr. S M Patnaik, learned counsel for the respondents.

3. Heard both the counsels for the parties. The applicant is presently working as Sr. Loco Pilot(Goods) with the respondents. He was involved in Signal Passing at Danger(SPAD) case in the year 2010 resulting in issuing of charge-sheet culminating in the removal of the applicant from service. On appeal, punishment was modified to that of a lower post of Asst. Loco Pilot(ALP). The applicant cited Railway Board letter dt. 09.11.2016, which ordered re-training of officials involved in SPAD and, thereafter, take a view on engaging them on running duties. Therefore, the applicant was forced to appear in the aptitude test on 20.12.2017 and, since he failed in the same, he has not been given running duties. The contention of the applicant is that the Railway Board letter dt. 09.11.2016 will have prospective effect and not retrospective effect. Nowhere in the Railway Board letter was it mentioned that those involved in SPAD in the past, such cases will also be taken up. Aggrieved of the same, the applicant has made an appeal to the Respondent No.3 & 4 on 12.02.2021 & 02.11.2020 and they have not been disposed the appeals till date. Learned counsel for the applicant submitted that the appeals are still pending and the learned counsel for the respondents submitted that he would like to verify the same. However, in view of the submissions of the learned counsel for the applicant, the respondents are directed to dispose of the appeals dt.

12.02.2021 & 02.11.2020 by issuing a reasoned and speaking order keeping in view the contentions raised in the OA, in accordance with rules and law within a period of eight weeks from the date of receipt of certified copy of this order.



4. The OA is disposed of as above. No costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

/Ram/