

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 8.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.15846 of 2017
and
W.M.P.No.17156 of 2017

- | | | |
|---|--|-------------|
| 1 | Union of India
rep. by the Executive Director
Railway Board Ministry of Railways
New Delhi | |
| 2 | The General Manager
Southern Railway
Park Town Chennai-3 | |
| 3 | The Additional CMD/
Administration
Disciplinary Authority
Railway Hospital Perambur Chennai | Petitioners |
| | Versus | |
| 1 | The Registrar
Central Administrative Tribunal
Madras Bench Chennai-600 104 | |
| 2 | Shri.P.Vijayan | Respondents |

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the entire records of the 1st respondent in O.A.No.310/00816/2014 including the order dated 6.4.2016 and quash the same.

For petitioners : Mr.C.V.Ramachandramurthy
For R2 : Mr.L.Chandrakumar

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. It appears that regarding the alleged misappropriation of some medicines by the second respondent herein, who was working as Chief Pharmacist in the Railways and retired now, had been proceeded departmentally and after enquiry, having found him guilty of the charges, he was imposed with a punishment of withholding of 30% of the monthly pension for the period of 5 years, against which the second respondent had moved the Central

Administrative Tribunal and the Tribunal, on the ground that the second respondent was not furnished with the copy of the UPSC report to enable him to submit a representation, ordered for reconsideration and for taking a lenient view in the matter.

3. It appears that it is mandatory on the part of the employer to furnish a copy of the UPSC report which was not followed in the case on hand. However, it appears that now a copy of such report is furnished to the second respondent alongwith the impugned order by the appellants. In that view of the matter, instead of interfering with the orders already passed, we direct the second respondent herein to submit his representation on the UPSC report within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the petitioners herein shall take a decision on the same within two months thereafter, on merits and in accordance with law, either to retain the decision taken by them already or to differ with the same depending upon the facts and circumstances of the case and the principles of natural justice. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Executive Director
Railway Board
Ministry of Railways New Delhi
 - 2 The General Manager
Southern Railway
Park Town Chennai-3
 - 3 The Additional CMD/
Administration
Disciplinary Authority
Railway Hospital Perambur Chennai
 - 4 The Registrar
Central Administrative Tribunal
Madras Bench Chennai-600 104
- +1cc to MR.C.V.Ramachandramurthy, Advocate Sr.No.87553
+1cc to Mr.L.Chandrakumar, Advocate Sr.No.87477

sm:2.2.2018

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