

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE K. SARATH**

WRIT PETITION NO: 801 OF 2008

Between:

1. R.Venkata Ramana, (**Died per LR P-2**) S/o Chennaiah, C & W Mastri in O/o AME/C&W/BZA, R/o Near Satyanarayana Temple College, Kottur, Kasimkot PWI Rly quarters, Visakhapatnam District.
2. R.Venkata Ramanamma, W/o. Late R.Venkata Ramana, R/o. of Door No.9-2-66, Sarisa Street, Anakapalle, Visakhapatnam, A.P.

(Petitioner No.2 is brought on record as Lr. Of deceased Petitioner No.1, as per Court Order dated 12.09.2022, vide I.A.No.1 of 2009 in W.P.No.801 of 2008)

...PETITIONER

AND

UOI rep., by:

1. The Divisional Railway Manager, South Central Railway, Vijayawada.
2. The Addl. Divisional Railway Manager, South Central Railway, Vijayawada.
3. The Senior Divisional Mechanical Engineer (CW), South Central Railway Vijayawada.
4. The Asst.Mechanical Engineer (CW) (Coaching Depot), South Central Railway Vijayawada.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ of Mandamus or any other appropriate writ, order or direction declaring the order passed in OA 546/2007 dated 23-10-2007 on the file of the Central Administrative Tribunal, Bench, at Hyderabad as illegal, arbitrary and violation of the principles of natural justice and set aside the same along with the impugned penalty order dated 25-7-2001, 6-12-2001, 23-1-02 and 3-1-2003

of the respondents (i.e.,) Disciplinary Authority, appellant Authority, Revision Authority and review authorities which are illegal arbitrary and violative of Art, 14 and 16 of the Constitution of India and further directed the respondents to settlement retrial dues of the petitioner from the date of retirement (i.e.,) 30-6-2007 and arrange to pay consequential arrears from the date of removal as modified by appellant authority as a reversion to the lower post of Khalasi w.e.f 6-12-2001 treating the further sick period from 7-12-2001 to till retirement as dies-non for the purpose of counting the service benefits to the petitioner.

I.A. NO: 1 OF 2008(WPMP. NO: 954 OF 2008)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to sanction provisional pension w.e.f from the date of removal as modified on reversion as Khalasi in lower grade by the appellate authority (i.e.,) 6-12-2001 along with consequential arrears till retirement and expedite disposal of the matter to renders social justice.

Counsel for the Petitioner: SRI G.SANYASI RAO

Counsel for the Respondents: M/s. ANJALI AGARWAL, SC FOR SCR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.801 of 2008

ORDER: *(Per the Hon'ble Sri Justice Abhinand Kumar Shavili)*

When the matter is taken up for hearing, learned counsel appearing for the petitioner has informed that during the pendency of the present writ petition, the petitioner has expired and the legal representatives has been brought on record.

2. It has been further contended that the petitioner was removed from service for unauthorized absence by the disciplinary authority and thereafter the petitioner has preferred an appeal and the Appellate Authority was pleased to modify the punishment of removal to that of reduction to lower grade. Aggrieved by the orders of modified punishment of reduction to lower grade, petitioner has filed O.A.No.546 of 2007 before the Central Administrative Tribunal, Hyderabad, and the Central Administrative Tribunal *vide* orders dated 23.10.2007 was pleased to dismiss the O.A. holding that the

modified punishment was not disproportionate to the alleged misconduct.

3. Learned counsel for the petitioner had contended that since petitioner is no more, whatever benefits to which the petitioner was entitled may be paid to the legal representatives of the petitioner.

4. Learned counsel for the respondents had contended that the petitioner has not reported in pursuance to modified punishment orders. However, let the legal representatives submit a representation to the respondents and the respondents would consider the same and pass appropriate orders in accordance with law.

5. This Court, having considered the rival submissions made by both the parties, is of the considered view that this writ petition can be disposed of directing the legal representatives of the deceased petitioner to submit a representation seeking appointment of terminal benefits within a period of two (02) weeks from the date of receipt of a copy of

this order. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another two (02) months.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

7. As a sequel, miscellaneous applications pending, if any, in this Writ Petition, shall stand closed.

//TRUE COPY//

SD/-V.KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Divisional Railway Manager, South Central Railway, Vijayawada.
2. The Addl. Divisional Railway Manager, South Central Railway Vijayawada.
3. The Senior Divisional mechanical Engineer (CW), South Central Railway Vijayawada.
4. The Asst.Mechanical Engineer (CW) (Coaching Depot), South Central Railway Vijayawada.
5. One CC to SRI G.SANYASI RAO, Advocate [OPUC]
6. One CC to M/s. ANJALI AGARWAL, SC FOR SCR [OPUC]
7. Two CD Copies

BSR
GJP

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HIGH COURT

DATED: 12/09/2022

ORDER

WP.No.801 of 2008



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

9 copies

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12/12/23