

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

**WEDNESDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

WRIT PETITION NO: 11257 OF 2011

Between:

B. Krishna Swamy, S/o. Venkataiah, aged about 48 years, Ex- Senior
Trackman R/o. 25-11-120 Bapujee Nagar Kazipet, Warangal

...PETITIONER

AND

1. The Union of India, Rep by its General Manager, South Central Railway, Secunderabad
2. The Chief Engineer, South Central Railway, Secunderabad
3. The Divisional Railway Manager (P), Rail Vikas Bhavan, South Central Railway, Guntur
4. The Divisional Railway Manager,, South Central Railway, Secunderabad
5. The Registrar, Central Administrative Tribunal, Hyderabad

...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 a writ, order or direction one on the nature of writ of certiorari to call for the records relating the impugned Order of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad dt.18.1.2011 in OA No. 992/2010 declaring the same as illegal, without jurisdiction and further to set aside the removal order passed by the respondents and contrary to law and in violation of Articles 14, 16 and 21 of Constitution of India and consequently set aside the same by condoning the delay and direct the respondents to reinstate the applicant into service as a Gangman with all consequential benefits.

**Counsel for the Petitioner: SRI PASHAM KRISHNA REDDY
Counsel for the Respondent Nos.1 to 4: MS. ANJALI AGARWAL
Counsel for the Respondent No.5:---
The Court made the following: ORDER**

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.11257 OF 2011

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

This Writ Petition is filed aggrieved by the order dated 18.01.2011 passed in O.A.No.992 of 2010 by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'Tribunal').

2. Heard Sri Pasam Krishna Reddy, learned counsel for the petitioner and Smt.Anjali Agarwal, learned Standing Counsel for respondent Nos.1 to 4.

3. It has been contended by the petitioner that initially he was appointed as a Gangman with the Railways on 18.06.1986 and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. However, during the year 2000 the petitioner could not attend his duties owing to ill-health and the Disciplinary Authority has construed the same as misconduct and initiated Disciplinary Proceedings against him. After conducting detailed enquiry and for the proven misconduct in the enquiry, the Disciplinary Authority has imposed major punishment of removal from service against the petitioner on

14.11.2002. Thereafter, the petitioner has submitted representations to respondent No.2 on 27.06.2008 and on 15.09.2008 to reconsider his case and reinstate him into service, however, the said representations were not considered. In those set of circumstances, the petitioner has challenged the orders of removal from service before the Tribunal by filing O.A.No.992 of 2010 and the Tribunal, without appreciating any of the contentions raised by the petitioner, dismissed the O.A., *vide* order dated 18.01.2011.

4. Learned counsel for the petitioner had contended that owing to ill-health, the petitioner could not attend his duties and without appreciating the said fact, respondent Nos.1 to 4 have imposed major punishment of removal from service on 14.11.2002, which is disproportionate to the charges levelled against the petitioner. Therefore, learned counsel prays this Court to pass appropriate orders by setting aside the order of removal from service dated 14.11.2002 imposed by the Disciplinary Authority and also set aside the order dated 18.01.2011 passed in O.A.No.992 of 2010 by the Tribunal and to allow the present Writ Petition.

5. Learned Standing Counsel appearing for respondent Nos.1 to 4 had contended that for nearly eight months the petitioner was

unauthorizedly absent from service and thus, the Disciplinary Authority has rightly imposed punishment of removal from service on 14.11.2002 for the proven misconduct in the enquiry. He further contended that the petitioner has not even challenged the orders of removal. Further, the petitioner has submitted representations to respondent No.2 after long lapse of time i.e., on 27.06.2008 and on 15.09.2008, that too after six years from the date of removal from service, however, the same were not considered. Thus, the petitioner has approached the Tribunal by filing O.A.No.992 of 2010 and the Tribunal has rightly dismissed the O.A., *vide* order dated 18.01.2011. Therefore, there are no merits in the present Writ Petition and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by learned counsel appearing for both the parties, is of the considered view that the Disciplinary Authority has rightly imposed the major punishment of removal from service against the petitioner on 14.11.2002 for the proven misconduct in the enquiry. Therefore, the Tribunal was justified in not interfering with the orders of removal from the service imposed by the Disciplinary Authority and rightly dismissed the O.A., preferred by

the petitioner. However, if the petitioner is not able to sustain himself, then he is at liberty to file an application under Rule 41 of CCS Pension Rules, 2021, claiming Compassionate Allowance. If such an application is being filed by the petitioner, the respondents shall sympathetically consider the same and pass appropriate orders in accordance with law.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petition, if any, shall stand closed.

//TRUE COPY//

SD/- T. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The General Manager, South Central Railway, The Union of India, Secunderabad
2. The Chief Engineer, South Central Railway, Secunderabad
3. The Divisional Railway Manager (P), Rail Vikas Bhavan, South Central Railway, Guntur
4. The Divisional Railway Manager,, South Central Railway, Secunderabad
5. The Registrar, Central Administrative Tribunal, Hyderabad
6. One CC to Sri Pasham Krishna Reddy, Advocate [OPUC]
7. One CC to Ms. Anjali Agarwal, Advocate [OPUC]
8. Two CD Copies

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GJP

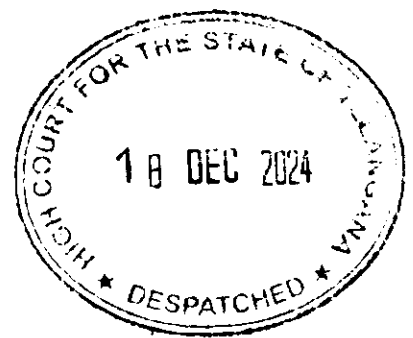
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HIGH COURT

DATED:13/11/2024

ORDER

WP.No.11257 of 2011



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(10) Copies
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17/12/24