

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 9 Nov '87

APPLICATION NO 842 /87 (F)

W.P.No.

APPLICANT

Sri Ramaiah

To

Vs

RESPONDENTS

Dy. Director of Military Farms,
Pune and 303.

1. Sri Ramaiah,
Farm Hand
(Cultivation Branch),
Young Stock Farm,
Bangalore.

2. Sri A.C. Rajasekhar, Advocate,
No. 82 /B, 1st Cross,
12th Main Road,
Banashankari 1st Stage,
II Block, Bangalore - 560 050.

3. Deputy Director,
Military Farms,
Southern Command,
Kirkree, Pune - 411 002.

4. The Quartermaster General,
QMG's Branch, Army HQs,
DHQ PO, New Delhi - 110011.

5. The Manager,
Young Stock Farm,
Agaram, Jemalur Post,
Bangalore - 560 037.

6. The Supervisor,
Young Stock Farm,
Jemalur Post, Bangalore - 37.

7. Sri M. S. Padmarajiah,
Advocate (C.G.S.C.),
High Court Buildings,
Bangalore - 1.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 27 Oct 87.

RECEIVED 5 Copies 10/11/87

Diary No. 1407/C2/87

Date: 12.11.87

Encl: as above.

SECTION OFFICER
(JUDICIAL)

Received (A. Gureemath) two copies
Advocate 18/11/87.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 27th DAY OF OCTOBER, 1987

Present : Hon'ble Sri P.S. Puttaswamy

Vice-Chairman

Hon'ble Sri L.H.A. Rao

Member (A)

APPLICATION No. 842/87(F)

Sri Ramkishu,
Farm Hand,
Young Stock Farm,
Agriam,
Bangalore.

...

Applicant

(Sri A.C. Rajasekhar

...

Advocate)

vs.

1. The Government of India,
by its Deputy Director of
Military Farms, Southern
Command, Pirkee,
Pune - 411 003.

2. The Quarter Master General,
Q.M.G.'s Branch, Army
Head quarters, Defence
Head quarters P.O.,
New Delhi - 110 011.

3. The Manager,
Young Stock Farm,
Agriam, Yemalur Post,
Bangalore - 560 037.

4. The Supervisor,
Young Stock Farm,
Agriam, Yemalur Post,
Bangalore - 560 037.

...

Respondents

(Sri M.S. Padmarajaiah

...

Advocate)

This application has come up before the
Tribunal today. Hon'ble Sri P.S. Puttaswamy, Vice-
Chairman, made the following :

ORDER

This is an application made by the applicant
under Section 19 of the Administrative Tribunals Act, 1985 (Act).

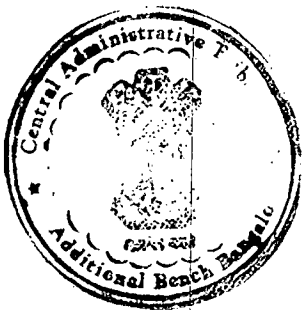


2. Prior to 4.2.1985 the applicant was working as a Farm Hand (Cultivation Section) a civilian post in the office of Young Stock Farm, Agram, Bangalore. On 4.2.1985 the Manager of that office, purporting to exercise the powers conferred on him by Rule 10 of the CCS(CCA) Rules 1955 (the Rules) placed him under suspension pending 'contemplated disciplinary proceedings' against him under the rules. This order was followed up by a series of orders made and the last order of suspension had been made on 17.3.1985 (Annexure D) by the Deputy Director of Military Farms, Southern Command, Poona (Director) which is now in operation against him.

3. On receipt of this, the order of the Director, the applicant instead of filing an appeal under Rule 23 of the Rules against the same to the competent appellate authority namely, the Quarter Master General, New Delhi (QM) ~~got~~ issued a legal notice to him, the Director, and Government calling upon all of them to revoke the order of suspension and also the initiation of disciplinary proceedings against him. As no one of them did act on the same, the applicant has approached this Tribunal on 5.10.1987 challenging the order of suspension made by the Director and the very initiation of disciplinary proceedings against him on diverse grounds.

4. At our direction the respondents have entered appearance and produced their records.

5. Sri A.C. Rajasekhar, learned counsel for the applicant, without rightly disputing that the applicant had not filed appeal under the Rules to the Appellate



Authority(AA): the legal notice itself got issued by him on 16.6.1986(Annexure K) must itself be directed to be treated as an appeal under rule 23 of the Rules and the AA directed to dispose of the same on merits.

6. Sri M.S.Padmarajaiah, learned counsel for the respondents, contends that by any stretch of imagination the legal notice cannot be treated as an appeal and the same decided as an appeal. He also contends that the orders challenged were legal and valid.

7. The applicant a Group D official is not also an educated person. On receipt of the order of the Director the applicant approached a legal practitioner in the matter, who issued a legal notice calling upon the authority which had placed him under suspension and the appellate authority to revoke the order of suspension and the disciplinary proceedings initiated against him.

8. Sri Padmarajaiah is right that a legal notice and an appeal are different and normally one cannot be treated as the other. The legal notice cannot normally be treated as an appeal can hardly be doubted. But that does not necessarily mean that in the interests of justice that can never be done also.

9. On ignorance of the applicant and facts and circumstances of this case, we consider it proper to direct the QMG to treat the legal notice itself got issued on 16.6.1986 as an appeal under Rule 23.

10. Sri Padmarajaiah contends that even if the



notice is registered as an appeal then the same would be out of time under Rule 25 of the Rules.

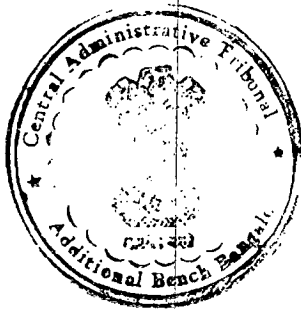
11. Rule 25 empowers the appellate authority to condone the delay for sufficient reasons. If that is so, then we consider it proper to permit the applicant to make an application for condonation of delay and direct the QMG to deal with the same with sympathy. We have no doubt that the QMG without being unduly technical would condone the delay and deal with the appeal on merits.

12. On the view expressed we do not propose to examine the validity of the orders passed by the authorities which had to be done in the first instance by the QMG only. We, therefore, leave them open.

13. In the light of our above discussion we make the following orders and directions on the matter :

- 1) We direct the Quarter Master General- Respondent 2- to register the legal notice received by him from the applicant on 15.6.86 as an appeal under rule 23 of the Rules, and also receive any application to be made by the applicant for condonation of delay and deal with them in accordance with law and the observations made in this order with all such expedition as is possible in the circumstances and in any event within 60 days from the date of receipt of this order.

14. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.



- True copy -

[Signature] 9/11/87
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
Vice-Chairman
27/10/87

Sd/-
Member (A) 28.10.87