

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 1 MAR 1989

APPLICATION NO (S) 142 / 89(F)

W.P. NO (S)

Applicant (s)

Shri K. Venkoba Rao
To

1. Shri K. Venkoba Rao
No. 146, Postal Colony
Sanjaynagar
Bangalore - 560 024
2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Director General
Telecommunications
Sanchar Bhavan
New Delhi - 110 001

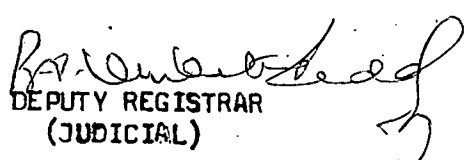
Respondent (s)

V/s The Director General, Telecommunications,
New Delhi & another

4. The Secretary
Telecommunication Board
Department of Telecommunications
Sanchar Bhavan
New Delhi - 110 001
5. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 27-2-89.


DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

Issued
K. V. Rao
1-3-89

q/c

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 27TH DAY OF FEBRUARY, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ...VICE-CHAIRMAN

HON'BLE SHRI L.H.A.REGO

...MEMBER (A)

APPLICATION NO 142/89

1. Sri K. Venkoba Rao,
Aged 57 years,
S/o Late V. Krishna Rao,
No.146, Postal Colony,
Sanjayanagar,
BANGALORE -560 024.

...APPLICANT

(Dr. M.S. Nagaraja.....Advocate)

vs.

1. The Director General,
Telecommunications,
Sanchar Bhavan,
NEW DELHI-110 001.
2. The Telecommunication Board,
New Delhi
By its Secretary,
Department of Telecommunications,
Sanchar Bhavan,
NEW DELHI-110 001.

...RESPONDENTS

(Shri M. Vasudeva Rao.....Advocate A)

This application having come up for
hearing before this Tribunal to-day, Hon'ble Shri
Justice K.S. Puttaswamy, Vice-Chairman, made the
following :-

O R D E R

Applicant by Dr.M.S. Nagaraja, Respondents

by Shri M. Vasudeva Rao.

2. When this case was taken up for hearing today Shri Rao prays for four weeks time to file reply and then argue the case. Dr Nagaraja opposes this request. We are of the view that the request of Shri Rao is not well-founded. We, therefore, reject the same and proceed to hear the case.

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

4. At the material time, the applicant was working as an Accounts Officer in the Telecom Department of the Government of India. In a disciplinary proceeding instituted against the applicant under the Central Civil Services (Classification, Control and Appeal) Rules 1965 (the Rules) on more than one change the Disciplinary Authority (DA) by his order dated 4.8.1988 (Annexure A-2) had inflicted on him the penalty of reduction in his pay by one stage. Aggrieved by the same the applicant has filed appeal before Government of India the Appellate Authority (AA) under the Rules on 17.8.1988 which has not so far been disposed of by it. Hence this application.

5. Dr. Nagaraja contends that since the AA had not disposed of the appeal filed by

the applicant with expedition which was expected of it we should exercise the powers conferred on us by the Act, examine the validity of the order of the DA and annul the same on all such grounds as are available against the same.

6. Shri Rao contends that in the disposal of the appeal filed by the applicant which requires consultation with the Union Public Service Commission, there has been no unreasonable delay and, therefore, we should decline to examine the validity of the order of DA and that we should ^{only} issue a direction to the AA to dispose of his appeal with expedition for which at least three months time be allowed.

7. We have earlier noticed that the statutory appeal filed by the applicant as early as on 17.6.1988 had not so far been disposed by the AA and is still pending before it. As it is more than six months had already elapsed.

8. We are informed that the applicant is due to retire from service on 31-5-1989 and that the non-disposal of the appeal one way or the other well before that date was likely to affect his promotion to the next higher post. On these and all other relevant facts this is a fit case in which the AA should have decided the appeal with expedition which it had failed

to do. In this view, it is proper to direct the AA to dispose of the appeal well before 30.4.1989. without ourself examining the challenge to the order of the DA, which necessarily has to be done by the AA in the first instance.

9. In the light of our above discussion we allow this application, direct respondent No.2 to dispose of the appeal of the applicant filed on 17-8-1988 under the Rules with all such expedition as is possible in the circumstances of the case and in any event on or before 30.4.1989 without fail.

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

11. Let this order be communicated to all the parties within three days from this day.

Sd/-
(VICE-CHAIRMAN) 27/4/89

Sd/-
MEMBER (A) 27.2.1989

SB.

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL) 2/3
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE