

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 8 FEB 1995

APPLICATION NO: 1695 of 1994.

APPLICANTS:- Sri.C.Gajendra, Bangalore-8.

V/S.

RESPONDENTS:- The Secretary, Ministry of Defence, New Delhi
and three Others.,

T.

1. Sri.R.B.Menon, Advocate,
'SYAM' No. 301, 100ft. Road,
Indiranagar, Bangalore-38.
2. Sri.M.Vasudeva Rao,
Addl.C.G.S.C.
High Court Bldg,
Bangalore-560001.

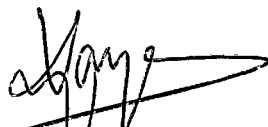
Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 27-01-1995.

Issued on
8/2/95

9/c

for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO.1695/94

FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY, 95

SHRI V.RAMAKRISHNAN.

...MEMBER (A)

SHRI A.N.VUJJANARADHYA.

...MEMBER (J)

C.Gajendra, major,
S/o T.S.Chandrasekaraiah,
Draughtsman, No.14690793 A,
515, Army Base Workshop,
Ulsoor, Bangalore-560 008.

...Applicant

By Advocate Shri R.B.Menon

Versus

1. Union of India, Represented by
Secretary, Ministry of Defence,
New Delhi-110 001.
2. Commandant & M.D.,
(Disciplinary Authority),
515, Army Base Workshop,
Ulsoor, Bangalore-560 008.
3. Commander (Appellate Authority),
Takaniki Group Vaidyut aur
Yantrik Inginiyari Mukhyalaya,
Headquarters, Tech. Group EME,
Delhi Cant.-10.
4. Director General of Electrical &
Mechanical Engineering,
(Revising Authority),
Master General of the Ordinance Branch,
Army Headquarters,
New Delhi-110 011.

...Respondents

By A.C.G.S.C. Shri M.Vasudeva Rao.

....2/-



O R D E R

Shri V. Ramakrishnan, Member (A)

Admit.

Shri M.V. Rao files reply.

We have heard both sides. The applicant has challenged the penalty of stoppage of increment for one year with cumulative effect and also wants treatment of the period of suspension as duty for all purposes etc., from 18.1.92. One of the main grounds he has taken in support of his prayer is that even though the ~~the~~ department initiated the major penalty proceedings against him, he had not been supplied with a copy of the enquiry report before the Disciplinary Authority passed the order inflicting the penalty. He has also contended that the authorities concerned did not apply their mind.

2. Shri M.V. Rao for the respondents admits that a copy of the enquiry report was not given to the applicant, but he draws our attention to the Supreme Court decision in the case of Managing Director, ECIL Vs. Karunakaran reported in 1993 SCC 727 and in particular to para 31, where, it is stated that the employees should be given an opportunity to show how his case was prejudiced for non-supply of enquiry report. Shri Rao further contended that the applicant herein has not brought out as to how his case was prejudiced for non-supply of the enquiry report. Shri Rao now supplies a copy of the enquiry report to the learned counsel for the applicant.

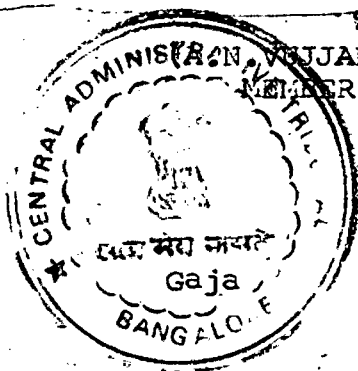
3. We find that the applicant filed a revision petition on 26.4.94, a copy of which has been made available to us now. We find from this revision petition that he has urged a number of points in support of his case. The Reviewing Authority by his order dated 12th July, 94 has disposed of the revision petition as seen from Annexure A4. The order by the ^{Reviewing} Reviewing Authority gives the background of the case, but does not specifically deal with the points urged by the applicant in the revision petition.

4. In the circumstances of the case, we quash the orders of the ^{Reviewing} Reviewing Authority dated 12.7.94 as at Annexure A4. As the applicant has since been given a copy of the enquiry report, he may now submit a detailed revision petition indicating interalia as to how the non-supply of the enquiry report has caused prejudice to him. If the applicant submits such a revision petition within one month from today, the ^{Reviewing} Reviewing Authority will dispose of the same by means of a speaking order within three months from the date of receipt of such revision petition.

5. With the above observations, the application is finally disposed of with no orders as to cost.

Sd-

Sd-



(A.N. VEJUNARADHYA)
MEMBER (J)

(V. RAMAKRISHNAN)
MEMBER (A)

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Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: **14 JUN 1995**

Miscellaneous Appln.No.251/95 in

APPLICATION NO. 1695 of 1994.

APPLICANTS: Sri.C.Gajendra,

V/S.

RESPONDENTS: The Secretary, Ministry of Defence,
New Delhi and others.

To

1. Sri.B.R.B.Menon, Advocate,
'SYAM', No.301, 100 Feet Road,
Indiranagar, Bangalore-560038.
2. Sri.M.Vasudeva Rao, Additional
Central Govt.Standing Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on Fifth June, 1995.

Issued on
14/06/95

[Signature]

o/c

gm*

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

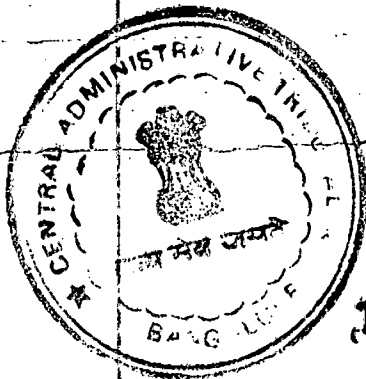
**In the Central Administrative Tribunal
Bangalore Bench
Bangalore**

Application No. 1695 of 199 4

C. Gajendra Vs Secretary Mo Defense new Delhi Q OS

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p>VR(MA)/ANV(MJ)</p> <p>5-6-95</p> <p>xxxxxx</p> <p>Heard Shri.M.V.Rao in reply to MA 251/95 seeking extension of time for compliance with direction contained in the order of this Tribunal. Time is extended for a futher period of 2 months from 27-5-95.</p>



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Sd/-

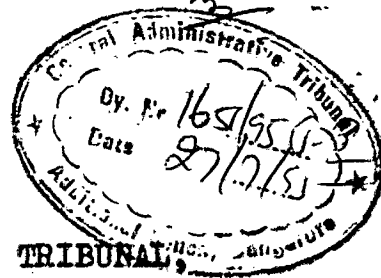
M(J)

Sd/-

M(A)

[Signature] 14/6/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Filed by Dr. N. V. Rao, on 27.7.95
Mayhe Pottelur. 31.7.95



CENTRAL ADMINISTRATIVE TRIBUNAL,

BANGALORE BENCH.

Misc. Appln. 33C of 1995

in

O. A. No. 1695 of 1994

Between:

C. Gajendra

.. Applicant

And

Union of India

& ors

.. Respondents.

MISCELLANEOUS APPLICATION
FILED BY THE RESPONDENTS
FOR EXTENSION OF TIME

1. By its order dated 27th Jan 1995, this Hon'ble Tribunal has quashed the Revising Authority's order dt: 12.7.1994 and directed the applicant to submit detailed revision petition within one month from the date of the order indicating inter alia as to how he was ~~xxx~~ prejudiced by the non-supply off the copy of the Enquiry Report. As per the said direction, the applicant has submitted his explanation.

2. By the said order the Hon'ble Tribunal has also directing the Revising Authority to dispose of the representation of the applicant by means of a

speaking order within three months thereafter. Even then the directions could not be complied. This Hon'ble Tribunal by Misc. Appln. No. 251 of 1995 was pleased to extend time by two more months from 27.5.1995, which expires today.

3. It is submitted that the records pertaining to the case have been forwarded to the 4th respondent by the 2nd respondent on 10.3.1995. Since the case of the applicant is sufficiently old and due to various other administrative problems the concerned Revising Authority was not able to dispose applicant's representation as directed and some more time is required.

WHEREFORE the respondents pray that this Hon'ble Tribunal be pleased to extend time by three months for complying with the directions of the Hon'ble Tribunal, in the interest of justice.

V E R I F I C A T I O N

I, Colonel D.N. Capoor, General Manager Administration, do hereby on my own behalf and on behalf of the respondents verify and state that what is stated above is true to the best of my knowledge and information.

Bangalore
27th Jul 1995.

Bangalore
27th Jul 1995.

FOR RESPONDENTS
General Manager Adm
515 Army Base Workshop

ADDL. CENTRAL GOVT. STANDING COUNSEL
& ADVOCATE FOR RESPONDENTS.

Sh. C. Rajendra

v/s. Secy. M/o. Defence, New Delhi & Ors.

MA NO. 330/95 in OA 1695/95

Date	Office Notes	Orders of Tribunal
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PKS(VC)/TVR(MA)

31.7.1995

Orders on M.A.No.330/1995 for extension of time:

Heard. We see no reason to grant further extension of time as sufficient time has already been granted. Hence, we dismiss this M.A.

Sd-

Sd-

MEMBER (A)

VICE CHAIRMAN



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore