

(67)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 671/89.

Date of Decision: 4.12.91.

~~T.A. No.~~

L.Narsinga Rao

Petitioner.

Shri K.Vinay Kumar

Advocate for the
petitioner (s)

Versus

The Superintending Engineer,
All India Radio, Cuddapah & another

Respondent.

Shri N.Bhaskara Rao, Addl. CGSC


Advocate for the
Respondent (s)

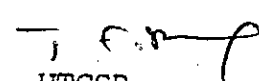
CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. T.Chandrasekhar Reddy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)


HRBS
M(A).


HTCSR
M(J).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.671/89.

Date of Judgment 4/5 Dec 1991

L.Narsinga Rao

.. Applicant

Vs.

1. The Superintending
Engineer,
All India Radio,
Cuddapah.

2. The Station Director,
All India Radio,
Cuddapah.

.. Respondents

Counsel for the Applicant : Shri K.Vinay Kumar

Counsel for the Respondents : Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhar Reddy : Member(J)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(A)]

M.A.No.1415/91 Restoration Petition is allowed.

O.A.No.671/89 is restored.

2. This application has been filed by Shri L.Narsinga Rao under section 19 of the Administrative Tribunals Act, 1985 against the Superintending Engineer, All India Radio Cuddapah and another, praying for setting aside the order of the 1st respondent vide proceedings No.21(LNR)/89-S/11450 dated 3.8.89 and reinstating him in service.

3. The respondents have filed a counter affidavit and oppose the application.

4. We have examined the case and before we go into the merits we find that a copy of the enquiry report was not furnished to the applicant before the order of punishment dated 3.8.89 was passed. This attracts the law laid down by the Hon'ble Supreme Court in the case of Union of India Vs. Mohd. Ramzan Khan [JT 1990 (4) SC 456] and we, therefore, set aside the impugned order dated 3.8.89.

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This, however, will not preclude the respondents from supplying a copy of the enquiry report to the applicant and give him an opportunity to make his representation and proceeding to complete the disciplinary proceedings from that stage. The application is allowed to the extent indicated above but in the circumstances we make no order as to costs. If the respondents choose to continue the disciplinary proceedings and complete the same, the manner as to how the period spent in the proceedings should be treated would depend upon the ultimate result. Nothing said herein would affect the decision of the Disciplinary Authority. At the same time, we hasten to add, that this order of the Tribunal is not a direction to necessarily continue the disciplinary proceeding. That is entirely left to the discretion of the Disciplinary Authority.

R. Balasubramanian
(R. Balasubramanian)
Member(A).

T. Chandrasekhar Reddy
(T. Chandrasekhar Reddy)
Member(J).

Dated 4th December 1991.

Deputy Registrar (P)

To

1. The Superintending Engineer,
All India Radio, Cuddapah.
2. The Station Director, All India Radio, Cuddapah.
3. One copy to Mr. K. Vinay Kumar, Advocate, 1-3-148/68/C/2
Gandhinagar, Hyderabad.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One spare copy.

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regular
file

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

:V.C

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. Chandrasekhara Reddy M(J)

DATED: 4-12-1991

ORDER/ JUDGMENT:

M.A./R.A./C.A. No.

in

O.A.No.

67/89

T.A.No.

(W.P.No..)

Admitted and Interim directions
Issued.

Allowed. ✓

Disposed of with directions

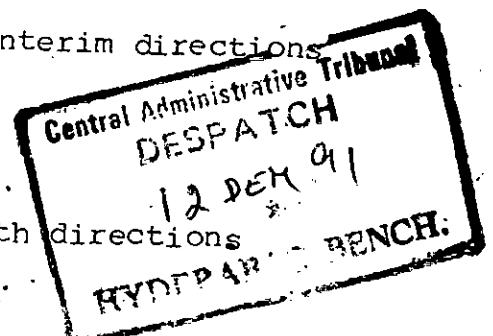
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.



pvm

27/12/91
21/12/91