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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 154 of 1990

Date of Order: 23/02/1990

Ch.Narayana Charyulu

..Applicant

versus

The Flag Officer,
Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam

..Respondent

For Applicant

Party-in-person

For Respondent

Mr.E.MadanMohan Rao, Addl.
CGSC

CORAM:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

(Judgment delivered by Shri D.Surya Rao, Member (Judl.)

1. The applicant herein is an employee of the Eastern Naval Command, Naval Base, Visakhapatnam. He had originally filed O.A.No.171/89 before this Tribunal questioning the order of removal from service. The Tribunal set-aside the order and directed that the applicant should be afforded an opportunity to raise objections in regard to the Enquiry Officer's Report and that only thereafter the disciplinary authority could pass the final order. This decision of the Tribunal was based upon the decision of the Bombay Bench in Premnath Sharma Vs. Union of India (1988) 6 ATC904). The applicant now states that consequent to this judgment he has submitted

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his objections to the Enquiry Officer's report within the time stipulated by this Tribunal in O.A.No.171/89. Thereafter, he filed O.A.No. O.A.No.103/90 before this Tribunal questioning the order whereby he was placed under deemed suspension from the date of removal which had been quashed in O.A.No.171/89. In this application, he contends that in O.A.No.103/90 the respondent has categorically stated in his counter that he is fully entitled to ^{impose a} ~~any~~ major punishment mentioned under Rule 11 of the CCS(CCA) Rules 1965. ^{In view of this assertion in the counter} ~~He~~ ^{He} therefore, applicant ^g contends that the respondent had made up his mind to impose major penalty against him even before considering the objections made to the Enquiry Officer's Report and to the continuance of the disciplinary ^{is a foreign conclusion.} ^{up to} enquiry against him. He, therefore, states that the respondent-punishing authority is biased.

2. We have heard the applicant, and Shri E.Madan Mohan Rao, Standing Counsel for the Department.

3. From the facts narrated above, it is clear that the applicant's apprehension is that the respondent has made up his mind to punish him basing upon ^{in which} ~~his claim~~ ⁱⁿ the counter wherein the respondent had stated that ^{he} the applicant is fully entitled to/awarded major punishment under Rule 11 of the CCS(CCA) Rules. It is clear that this is only an apprehension. Further what is stated in the counter is only a statement that the respondent is competent to award a major penalty and cannot be read to mean that he has already made up his mind to impose major penalty. This application is clearly

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premature and apprehensions are totally unwarranted and based upon conjectures. We, therefore, find no merit in this application and it is accordingly dismissed. No costs.

(Dictated in open court)

B.N.Jayashimha

(B.N.JAYASIMHA)
VICE CHAIRMAN

D.S.Rao
(D.SURYA RAO)
MEMBER (JUDL.)

DT. 23rd February, 1990

SQH*

D.S.Rao
Rao DEPUTY REGISTRAR (J) 2/3/90

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TO:

1. The Flag officer commanding-in-chief, Eastern Naval command, Naval Base, Visakhapatnam.
2. One copy to Ch. Narayanacharyulu, (Party-in-person), E/1, Pallava Park, Kanchrapalem P.O., Visakhapatnam-8.
3. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyd.
4. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.) ✓
AND
HON'BLE MR.D.SURYA RAO: MEMBER (JUDL) ✓
AND
HON'BLE MR.J.NARASIMHA MURTHY: (M) (J)
AND
HON'BLE MR.R.BALASUBRAMANIAN: (M) (A)

DATED: 23-2-90

ORDER/JUDGMENT: ✓

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

T.A.No. (W.P.No.)

D.A.No. 154/90.

Admitted and Interim directions issued.

Allowed.

Dismissed, no costs. ✓

Disposed of with direction.

M.A. Ordered.

No order as to costs.

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