

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.476/90

DATE OF JUDGEMENT: 10th June 1993

Between

Ch.Narayanacharyulu

.. Applicant

and

1. The Flag Officer Commanding-in-Chief
Eastern Naval Command, Naval Base,
Visakhapatnam-14

2. The Chief Staff Officer(P&A)
Eastern Naval Command, Naval Base,
Visakhapatnam-530014

3. The Area Accounts Officer,
Controller of Defence Accounts (Navy)
NAD PO Visakhapatnam 530009.

.. Respondents

Counsel for the Applicant ::Party-in-Person

Counsel for the Respondents :: MR. N. R. Dera Rao
CORAM:

HON'BLE SHRI A.B. GORTHI, MEMBER (ADMN)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

JUDGEMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE SHRI
T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed by the applicant
herein under Section 19 of the Administrative Tribunals Act
to quash the order of the 2nd respondent dated 28.9.88
and pay the applicant bonus for the years 1985-86 and 1986-87
and 1987-88 on par with his counter parts working in Industrial
Establishments with an interest of 18% pa. and pass such other
orders as may deem fit and proper in the circumstances of the
case.

2. Facts giving rise to this OA in brief, may
be stated as follows:

26

3. The applicant while working as UDC in the Headquarters Eastern ~~Max~~ Naval Command, was placed under suspension with effect from 10.7.85. A charge memo was issued on the applicant and the Enquiry Officer who was appointed to inquire into charges held that 6 charges out of 7 w that were framed against the applicant were proved. As a consequence, the applicant was ~~placed under suspension~~ dismissed from service w.e.f. 27.2.89. The applicant filed OA 171/89 on the files of this Tribunal questioning the legality of the dismissal order dated 27.2.89. This Tribunal set aside the order of the respondents dated 27.2.89 by directing the respondents to give an opportunity to the applicant to raise his objections on the Enquiry Officer's report. Again the applicant was dismissed from service w.e.f. 21.3.90. The applicant filed OA 303/90 on the files of this Tribunal challenging the dismissal order dated 21.3.90. The OA 303/90 was dismissed vide orders of this Tribunal dated 8.3.91 which order was confirmed by Hon'ble Supreme Court and became final. It is the grievance of the applicant that he is entitled for Productivity Linked Bonus on par with his counterparts working in Industrial Establishments and the same for the years 1985-88 has to be paid by the respondents with payment of interest. The applicant put in a representation for the same on 18.7.88 and the same was rejected by the respondents as per their orders dated 28.9.88. Hence, the present OA is filed for the reliefs as already indicated above.

4. Counter is filed by the respondents opposing this OA.

5. We have heard Party-in-person and Mr NR Devraj
→ Standing Counsel for the respondents.

T - C - T

To

1. The Flag Officer Commanding-in-Chief
Eastern Naval Command, Naval Base, Visakhapatnam-14.
2. The Chief Staff Officer (P&A)
Eastern Naval Command, Naval Base, Visakhapatnam-14.
3. The Area Accounts Officer,
Controller of Defence Accounts (Navy) NAD PO Visakhapatnam-9.
4. One copy to Mr. Ch. Narayananacharyulu, Bary-in-person, CAT.Hyd.
El, Pallava Park, Kanchanapalem PO, Visakhapatnam-530002
5. One copy to Mr. N. K. Devraj, Sr. CGSC, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.
8. One copy to Hawble Mr. A. B. Gorla, M(A), CAT.Hyd

p:m

*Am 28/1/93
page 6/6*

6. In the counter filed by the respondents, it is maintained that the organisation which the applicant is working is a non-industrial establishment. It is also maintained that certain disciplinary proceedings were contemplated as against the applicant and the applicant was ultimately imposed a major penalty of dismissal from service as per the orders dated 21.3.90. The OA 303/90 filed by the applicant on the file of this Tribunal questioning the order of dismissal was dismissed vide orders of this Tribunal dated 8.3.91. In the Ministry of Finance OM dated 8.3.84 clarified vide orders dated 4.10.88, an employee who is under suspension would become eligible for the benefit of adhoc bonus if and when reinstated with benefit of emoluments for the period of suspension and in other cases, such period will be excluded for the purpose of eligibility as in the case of employees on leave without pay.

7. In this case also, the applicant was kept under suspension followed by ~~dismissal~~ deemed suspension and finally was dismissed from service. So, that being the position, the applicant is not at all entitled for bonus for the period 1985-86, 1986-87 and 1987-88. We see no merits in this OA and hence, this OA is liable to be dismissed and is accordingly dismissed leaving the parties to bear their own costs.

Subs
(A.B. GORIHI)
Member (Admn)

T. C. R.
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 15-6-1993

mvl

8/6/93
Deputy Registrar

(W)

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY APPROVED BY
HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

A. B. GOSWAMI

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY M(J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 10-6 - 1992

ORDER/JUDGMENT:

R.A. / C.A. / M.A. NO.

in

O.A. No. 676/90

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.

Central Administrative Tribunal

RESPONSE

21 JUN 1993

HYDERABAD

pvm.