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— 425 —

10th June

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.. Applicant

and

- ## •• Respondents

Party-in-Person

MR. N. R. Dera Raj.

CORAM:

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

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

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3. The applicant while working as UDC in the Headquarters Eastern ~~Naval~~ 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 interest. The applicant put in a representation for <sup>payment of</sup> 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.

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22/10/89

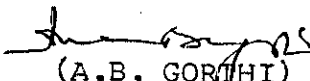
To


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. Narayanacharyulu, Bary-in-person, CAT. Hyd.  
*E/1, Pallava Park, Kandara Palem Po, Visakhapatnam-530008*
  5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
  6. One copy to Library, CAT. Hyd.
  7. One spare copy.
  8. one copy to Hon'ble Mr. A. B. Gorthi, M(A), CAT. Hyd.
- pvm

Attn 2 Binal  
Ref 2/5/53  
7.6.53

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.

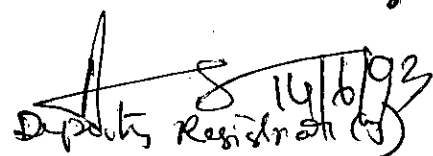
7. In this case also, the applicant was kept under suspension followed by ~~dismissal~~ deemed suspension and finally was dismissed from service. So, that being the position, the applicant is not at all entitled for bonus for the period 1985-86, 1986-87 and 1987-88. We see no merits in this OA and hence,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

  
(A.B. GORTHI)  
Member (Admn)

  
(T.CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 15-6-1993

mvl

  
Deputy Registrar (3)

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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

THE HON'BLE MR. ~~R. BALASUBRAMANIAN~~ <sup>A.B. Gosh</sup> 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.

T.A. No.

476/90  
(W.P. No.)

Admitted and Interim directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

Central Administrative Tribunal

DESPATCH

21 JUN 1993

HYDERABAD BENCH