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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.51/90.

Date of Judgment 1-1-92

Y.Madhusudhana Rao .. Applicant

Vs.

1. Union of India,
Rep. by the Secretary,
Min. of Communications,
New Delhi-1.
2. Director-General,
Telecommunications,
New Delhi-1.
3. Director, Telecom.,
Guntur Area,
Guntur-522007 A.P.
4. Divl. Engineer Telecom.,
Eluru-534050
West Godavari Dt. .. Respondents

Counsel for the Applicant : Shri T.Jayant

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

CORAM:

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

Hon'ble Shri C.J.Roy : Member(J)

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

This application has been filed by Shri Y.Madhusudhana Rao under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, Rep. by the Secretary, Min. of Communications, New Delhi-1 & 3 others with a prayer to quash the order of dismissal inflicted on the applicant.

2. When the case came up for hearing on 30.12.91 it was pointed out that a copy of the enquiry report was not furnished to the applicant before passing the final punishment order. This straightway violates the law laid down by the Hon'ble Supreme Court in the case of Union of India & others Vs. Mohd. Ramzan Khan [JT 1990(4) SC 456].

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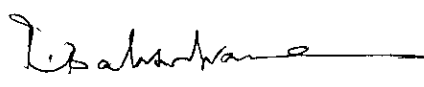
1. Secretary, Ministry of Communications, Union of India, New Delhi.
2. Director-General, Telecommunications, New Delhi-1.
3. Director, Telecom., Guntur Area, Guntur-522007.
4. Divisional Engineer Telecom, Eluru-534050. WGdt.
5. One copy to Shri. T.Jayant Advocate, H.No.17-35-B, Srinagar colony, Gaddiannaram, P&T colony, P.O., Dilsukhnagar, Hyderabad-500660.
6. One copy to Shri. N.Bhaskar/Addl. CGSC, CAT,Hydbad.
Rao
7. One spare copy.

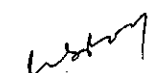
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3. Shri N. Bhaskar Rao, learned counsel for the respondents however, stated that these punishments were inflicted before the Hon'ble Supreme Court pronounced its judgment in the case of Union of India & others Vs. Mohd. Ramzan Khan and, therefore, that law should not be applied to this case.

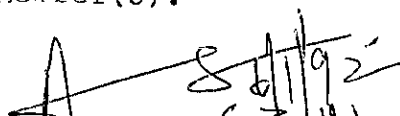
4. This Bench had repeatedly held that the law laid down by the Hon'ble Supreme Court in this case is applicable to all cases which had not been settled otherwise prior to the date of judgment by the Hon'ble Supreme Court. We have to apply the law laid down by the Hon'ble Supreme Court and accordingly quash the order of dismissal inflicted on the applicant. 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.

5. The application is thus disposed of with no order as to costs.


(R. Balasubramanian)
Member(A).


(C. J. Roy)
Member(J).


Dated 18 January 92


Dy. Registrar (Judl.)

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O.A. 51/90

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TYPED BY *dy*

COMPARED BY

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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. RAJASUBRAMANIAN :M(A)

AND

THE HON'BLE MR. C. J. Roy

M(J)

DATED: 1-1-1992

ORDER/JUDGMENT: *✓*

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

in

O.A.No.

51/90.

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
DESPATCH
16-1-92
HYDERABAD BENCH.

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