(132)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 605/91. Date of Decision :

~~T.A.No.~~

Ch.Yadagiri _____ Petitioner.

Shri T.Jayant _____ Advocate for the petitioner (s)

Versus

Union of India, Rep. by the Secretary, ~~Min. of Communications, New Delhi-1 & 3 others~~ Respondent.

Shri N.R.Devaraj, Addl. CGSC _____ Advocate for the Respondent (s)

CORAM :

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

THE HON'BLE MR. C.J.Roy : 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) HCJR M(J)

(135)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.605/91. Date of Judgment 1-1-92

Ch.Yadagiri .. Applicant

Vs.

1. Union of India,
Rep. by the Secretary,
Min. of Communications,
New Delhi-1.

2. Member(P),
Postal Services Board,
Dept. of Posts,
New Delhi-110001.

3. Director of Postal Services,
A.P.Northern Region,
Hyderabad-500001.

4. Sr. Supdt. of Post Offices,
Hyderabad City Division,
Hyderabad-500001. .. Respondents

Counsel for the Applicant : Shri T.Jayant

Counsel for the Respondents : Shri N.R.Devaraj, 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 Ch.Yadagiri 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 (.

.....2

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi-1.
2. Member(P), Postal Services Board, Dept. of Posts, New Delhi 110001.
3. Director of Postal Services, A.P.Northern Region, Hyderabad-500001.
4. Senior Supdt. of Post Offices, Hyderabad city Division, Hyderabad-500001.
5. One copy to Shri. T.Jayant advocate, H.No.17-35B, Srinagar colony, Gaddiannaram P&T colony, P.O., Dilsukhnagar, Hyderabad-500660.
6. One copy to Shri. N.R.Devraj, Addl.CGSC, CAT,Hydbad.
7. One spare copy.

Rsm/-

3. 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 disciplinar 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 th same, the manner as to how the period spent in the proceedings should be treated would depend upon the ult: result. Nothing said herein would affect the decision of the Disciplinary Authority. At the same time, we ha to add, that this order of the Tribunal is not a direct to necessarily continue the disciplinary proceeding. T is entirely left to the decision of the Disciplinary Authority.

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

(R.Balasubramanian)
Member(A).

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

Dated 1st January 92

Dy. Registrar (Juc

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. M(J)

DATED: 15-1-1992

~~ORDER~~/ JUDGMENT:

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

in

O.A.No. 605/91

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

Admitted and Interim directions Issued.

Allowd.

~~Di~~sposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A.Ordered/Rejected

~~No~~ order as to costs.

pvm