

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA 1013/91.

Date of Decision: 31-10-91.

M.Sudhakar Babu

...Applicant

Vs.

1. Assistant Director, Subsidiary  
Intelligence Bureau, Ministry of  
Home Affairs, Government of India,  
MADRAS - 4.

2. The Dy. Director, Subsidiary  
Intelligence Bureau, Ministry of  
Home Affairs, Government of India,  
MADRAS - 4.

...Respondents

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Counsel for the Applicant : Shri G.Vedantha Rao

Counsel for the Respondents : Shri N.R.Devraj, Addl.CGSC

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CORAM:

THE HON'BLE SHRI S.P.MUKERJI : VICE-CHAIRMAN (Ernakulam Bench)

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J) (Ernakulam Bench)

(Order of the Division Bench delivered by  
Hon'ble Shri SP Mukerji, Vice-Chairman)

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In this application dated 29-10-1991 the applicant is challenging the order of punishment passed by the Assistant Director on 29-8-1991, a copy of which is Annexure-1. By that order the applicant was removed from service under the CCS(CCA) Rules. It may be re-called that this is the second round of the Disciplinary Proceedings by which the aforesaid order was passed.

2. We have heard Shri G.Vedantha Rao, learned counsel for the applicant and Shri N.R.Devraj, learned standing counsel for Respondents at the admission stage. Shri Devraj, standing

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.....2.

counsel for the Respondents made the pertinent observation that the applicant has not exhausted the statutory remedy of filing an appeal against the impugned order. Shri Vandantha Rao, learned counsel for the applicant on the other hand indicated <sup>with</sup> ~~that~~ considerable degree of persuasiveness ~~that~~ since the appellate authority in the first round has already rejected his appeal, the applicant does not expect that his appeal <sup>in the second round</sup> if filed ~~would be disposed of~~ appropriately. Considering the fact that he was removed from service on 30-4-85, the learned counsel for the applicant argued that the applicant has reached the end of <sup>the</sup> ~~tether~~ of tolerance and cannot afford to spend further time in getting his appeal decided upon.

3. On a consideration of the facts and circumstances we admit the application. But considering that the applicant must necessarily exhaust the statutory remedy available to him under the CCS (CCA) Rules, we dispose of the application with the following directions :-

- (a) The applicant will file an appeal against the impugned punishment order within a period of 15 days from today as agreed to by the learned counsel for the applicant;
- (b) The Respondents shall entertain the appeal and condone the delay if any in filing it;

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(c) The appeal shall be disposed of within a period of six weeks from the date of receipt of the same by the 2nd Respondent;

(d) The Respondent No.2 is directed to dispose of the appeal by a speaking order and after giving a personal hearing to the applicant if he so prays in his appeal;

(e) The applicant will be at liberty to move the proper legal forum if so advised and in accordance with law in case he feels aggrieved by the outcome of his appeal.

4. With these directions we dispose of the application  
at the admission stage itself with no order as to costs.

(S.P.MUKERJI)  
Vice-Chairman

(A.V.HARIDASAN)  
Member (J)

Dated: 31st October, 1991.  
Dictated in Open Court

Deputy Registrar (J)

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Copy to:-

1. Assistant Director, Subsidiary Intelligence Bureau, Ministry of Home affairs, Govt. of India, Madras-4.
2. The Deputy Director, Subsidiary Intelligence Bureau, Ministry of Home Affairs, Govt. of India, Madras-4.
3. One copy to Shri. G.Vedantha Rao, Advocate Assn. APAT.Hyd-bad.
4. One copy to Shri. N.R.Devraj, Addl.CGSC. C.A.T. Hyd-bad.
5. One spare copy.

Rsm/-

O.A. 1013/91

Time last Case

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*Records*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. *S.P. Mukherji*

✓ :V.C

AND

THE HON'BLE MR. *A.V. Hora*

✓ M(J)

AND

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

AND

THE HON'BLE MR.

✓ M(J)

DATED: 31/10 - 1991

ORDER/JUDGMENT:

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

O.A.No.

10.

in  
Case  
No.  
(W.P.N.)

T.A.No.

Admitted and Interim  
Issued.

Allowd.

Disposed of

Dismiss

Dismiss

Dismiss