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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 916/92

Date of Order : 26.10.1992

BETWEEN :

Kum. G.Rajeswari

.. Applicant.

A N D

1. Union of India Rep. by its  
Secretary, Ministry of Defence  
(Naval wing), New Delhi.

2. The Chief of the Naval Staff,  
Naval Head Quarters,  
New Delhi.

3. The Flag Officer Commanding-in-  
Chief, Eastern Naval Command,  
Visakhapatnam.

4. The Material Superintendent,  
Material Organisation,  
Eastern Naval Command,  
Visakhapatnam.

.. Respondents.

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Counsel for the Applicant

.. Mr. M.P.ChandraMouli

Counsel for the Respondents

.. Mr. N.R.Devraj

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CORAM :

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

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Order of the Single Member Bench delivered by  
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

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This is an application filed under Section 19 of the Administrative Tribunals Act to set aside the order of removal of applicant passed by the 3rd respondent dated 31.12.1991 and to direct the respondents to reinstate the applicant in service with back wages soon and other benefits and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief are as follows :-

3. The applicant had not attend to duty while working as L.D.C. in the office of the respondents at Eastern Naval Command, Visakhapatnam from 8.10.1980. The applicant seems to have been permitted to join duty on 17.5.1991. For the absence of the applicant from 8.10.1980 up to 16.5.1991 which according to the respondents is unauthorised, a departmental enquiry had been initiated as against the applicant. The applicant had been removed from service by the orders dated 31.12.1991 passed by the respondents. As against the order of removal of the applicant dated 31.12.1991 the applicant had preferred an appeal representation dated 6.1.1992 to the Chief of Naval Staff. The said appeal representation appears to be still pending with the Chief of Naval Staff. Appeal representation of the applicant had not been disposed of within 6 months from the date of the representation. The applicant had approached this Tribunal for redressal of his grievance as indicated above.

4. We have heard today during ~~cross-examination~~ admission ~~cross-examination~~ Mr.Janardhan Rao for Mr.MP.Chandra Mouli, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

Copy to:-

1. Secretary, Ministry of Defence, (Naval Wing), Union of India, New Delhi.
2. The Chief of the Naval Staff, Naval Head Quarters, New Delhi.
3. The Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
4. The Material Superintendent, Material Organisation, Eastern Naval Command, Visakhapatnam.
5. One copy to Sri. M.P.Chandramouli, advocate, 1-1-139/1, Musheerabad, Hyderabad.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-

5. Mr. N.R. Devraj, Standing Counsel for the respondents maintained that as the applicant has unauthorisedly absent from duty beyond 5 years that it is only President of India that can pass the orders reinstating the applicant if such extraordinary circumstances exist for reinstating the applicant and in view of this position that this OA is not maintainable. But nevertheless the appeal representation of the applicant dated 6.1.1992 admittedly is pending with the Chief of Naval Staff. So in view of the circumstances of the case we are of the opinion that it would be just fit and proper to give <sup>appropriate</sup> direction to the respondents while disposing of the appeal at the admission stage.

6. Hence we direct the second respondent to pass final orders <sup>after observing the procedure due at law</sup> on the appeal representation of the applicant within 6 months from the date of the communication of this order. If the applicant continues to be aggrieved by the final orders passed by the second respondent, the applicant will be at liberty to approach this Tribunal afresh in accordance with law.

OA is disposed of accordingly, leaving the parties to bear their own costs.

*T. Chandrasekhara Reddy*  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 26th October, 1992

*Deputy Registrar (Jd)*

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