

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

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O.A. No. 60/93

Dt. of Decision: 30-3-93

T.A. No.

Chief Executive, NFC, Hyd.

Petitioner

Shri N.V. Ramana

Advocate for
the petitioner
(s)

Versus

Shri D. Hanumantha Rao, Hyd.

Respondent.

Shri G. Bikshapathy.

Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. Justice V. Neeladri Rao, Vice-Chairman.

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circuisted 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.)

ns

HVNRJ
VC

HRBS
M(A)

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

HYDERABAD

OA No. 60/93

Date of judgement: 30-3-93

Between

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy
ECIL Post, Hyderabad

: Applicant

And

1. Shri D. Hanumantha Rao,
C/o D. Satyananda Rao
C-791, NGO's Colony
Vanasthalipuram
Hyderabad-500 661.

2. The Chairman,
Industrial Tribunal
Near Gandhi Bhavan,
Nampalli, Hyderabad

: Respondents

COUNSEL FOR THE APPLICANT

: Shri N.V. Ramana

COUNSEL FOR THE RESPONDENTS

: Shri G. Bikshapathy

CORAM

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman.

Hon'ble Shri R. Balasubramanian, Member (Admn.)

(Judgement of the divn. bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman)

Heard Shri N.V. Ramana, learned counsel
for the applicant and Shri G. Bikshapathy, learned
counsel for the respondents.

h
This OA is filed under Section 19 of the
Administrative Tribunal's Act against the order in
IA No. 176/92 & No. 228/92 in I.D. No. 3/89 dated
30-10-92 and award dated 31-7-92 passed in I.D. No.
3/89 *on the file of* ~~by the Hon'ble~~ Industrial Tribunal at Hyderabad

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One of the contentions raised for the applicant is that the then Additional Standing Counsel did not choose to attend ^{and} to the hearings in the Industrial Tribunal. The award was passed after hearing the case in the absence of the then respondents and hence the award has to be set aside and an opportunity ^{has to be} given to the applicant to put forth the case before the Industrial Tribunal.

The contentions for Respondent 1 are two fold — namely;

1. This application is not maintainable under Section 19 of Administrative Tribunal's Act.
2. The contention for the applicant that the ~~Standing~~ ^{learned} counsel who was entrusted with this case ~~chose not to attend the case and did not~~ ^{with his not} inform the management, ~~the applicant in this~~ ^{is not attending the} court is not true. ~~OA anything about the dispute is not proved.~~

The first contention requires elaborate consideration and hence the OA has to be adjourned for final hearing.

The learned counsel for the applicant side stated that as the applicant has no opportunity to put forth the case before the Industrial Tribunal, the order of the Industrial Tribunal directing the reinstatement of the Respondent 1 and payment of the back wages has to be suspended. The learned counsel for Respondent 1 referred to Section 17(b) ^{of A.P. Act. 9 of 1947}. It is also argued for the Respondent 1 that in case the impugned order is going to be suspended by way of an Interim order, at least 50 per cent if not more of the backwages also can be directed to be paid besides passing an order under Section 17(b).

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of the case,
In these circumstances, the impugned order is suspended subject to payment of the last drawn wages to Respondent 1 for the period commencing from 1-1-93 till the disposal of the OA. But it is subject to the condition that the Respondent 1 has to file an affidavit to the effect that he was not gainfully employed from 1-1-93. If the applicant herein contends that Respondent 1 is gainfully employed for the period in question, then it has to move this Tribunal for the necessary decision in the matter. Post the OA on 19-4-93.

He
(V. Neeladri Rao)
Vice-Chairman

R. Balasubramanian
(R. Balasubramanian)
Member (Admn.)

(Open court dictation)

Dated 30th March, 1993.

86/4/93
Deputy Registrar (J)

To NS

1. The Chief Executive, Nuclear Fuel Complex,
Department of Atomic Energy, ECIL Post,
Hyderabad.
2. The Chairman, Industrial Tribunal,
Near Gandhi Bhavan, Nampalli, Hyderabad.
3. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT. Hyd.
4. One copy to Mr. G. Bikshapathy, Advocate, CAT. Hyd.
5. One spare copy.

pvm

*2nd copy
P. S. J.*

TYPED BY

COMPARED BY

CHECKED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. BALASUBRAMANIAN ;
MEMBER (AIMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUL)

DATED: 30-3-1993

~~ORDER/JUDGMENT~~

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

in

O.A.No.

60/93

~~T.A.No.~~

(W.P.No

~~Admitted and Interim directions~~
issued.

Allowed.

Post on 19/4/93

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

Central Administrative Tribunal
DESPATCH
12 APR 1993
HYDERABAD BENCH.