

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

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 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.)

ns

HVNRJ  
VC

HRBS  
M(A)

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

HYDERABAD

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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

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COUNSEL FOR THE APPLICANT

: Shri N.V. Ramana

COUNSEL FOR THE RESPONDENTS

: Shri G. Bikshapathy

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CORAM

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

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

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

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

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 by the Hon'ble Industrial Tribunal at Hyderab

62

One of the contentions raised for the applicant is that the then Additional Standing Counsel did not choose to attend ~~to~~ the hearings in the Industrial Tribunal <sup>and</sup>. 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 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~~ counsel who was entrusted with this ~~case chose not to attend the case and did not inform the management, the applicant in this 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). 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, atleast 50 per cent if not more of the backwages also can be directed to be paid besides passing an order under Section 17(b).

(S3)

*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.

*Wes*

(V. Neeladri Rao)  
Vice-Chairman

*R. Balasubramanian*

(R. Balasubramanian)  
Member (Admn.)

(Open court dictation)

Dated 30th March, 1993.

*8/3/93*  
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.M.J.*

TYPED BY

COMPARED BY

CHECKED BY

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.K.BALASUBRAMANIAN :  
MEMBER(ADMN)

AND

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

DATED: 30- 3 -1993

ORDER/JUDGMENT

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

in

O.A.No. 60/93

T.A.No. \_\_\_\_\_

(W.P.No. \_\_\_\_\_)

Admitted and interim directions  
issued.

Allowed. Post on file (93)

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

30/3/93  
APR 1993

