

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

OA No.727/93

Date of Decision: 5TH NOV. 1996

Between:-

V.R.V. Iyer

.. Applicant

AND

1. Union of India  
Represented by Secretary,  
Department of Posts,  
NEW DELHI

2. Shri O.P. Misra,  
Commissioner for  
Departmental Inquiries,  
Central Vigilance Commission,  
NEW DELHI

.. Respondents

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. V. Bhimanna

CORAM

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

*Bv*

OA No.727/93

Date: 5TH NOVEMBER, 1996

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.))

Heard Mr. S. Ramakrishna Rao for applicant and Mr. V. Bhimanna for respondents.

Before we take up this case we want to express our anguish with regard to the position of the case at present. *in relation to the inquiry process*

The learned counsel for respondents expresses his inability to submit anything in regard to the present position. He submits that inspite of his repeated messages the respondents are not giving him the details of the present position of the case. The above submission is very unfortunate. The Secretary, Department of Posts, New Delhi should examine this issue in depth and take suitable remedial action so as to avoid recurrence of such submission. If such submissions are repeated in future the Tribunal is left with no option except to summon the respondents to be present in this court for explaining <sup>their</sup> ~~the~~ case.

The applicant in this OA was issued with a Memorandum of charges under Rule 14 in pursuance of the sanction accorded by President under Rule 9 of CCS (Pension) Rules, 1972 for instituting departmental proceedings against him by Memo Dt.14.9.88 (Annex.IV). An Inquiry Officer was also nominated as can be seen from order No.7-25/87-Vig.II Dt.6.1.93. The present position of the inquiry is not known. The applicant by this OA submits that rules are not followed while

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*[Signature]*

OA No.727/93

issuing the charge sheet and also ordering inquiry in this connection. He further submits that proper approval from the President has not been taken and the charge memo was not issued in a proper proforma for a retired official.

This OA was filed to quash the defective charge-sheet.

At the time of admission of this OA it was held by this tribunal that there was no interim relief necessary at this stage and the Respondents are at liberty to proceed further with the inquiry.

This case was instituted on 23.6.93 ~~and after~~ passage of ~~about~~ over 3 years this case came for final hearing. Even at this stage the status of the case is not known. In the absence of the present status, the only direction that can be given in this OA is to permit the applicant to file his defence statements on receipt of the inquiry proceedings ~~and also take~~ <sup>take</sup> all the available contentions and also other contentions which he may deem fit based on the inquiry report. If such a representation is received the disciplinary authority who is competent to award any punishment ~~due to him~~ <sup>to the applicant</sup> should consider the same in accordance with the rules and take further decision in regard to awarding of punishment. If that stage is also already over, the applicant is permitted to take all the available

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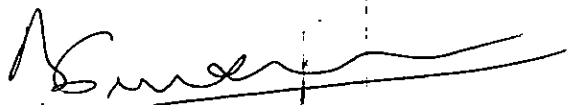
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DA No.727/93

contentions as projected in the DA and also other contentions which he deem fit to bring to the notice of ~~Appellate~~ <sup>Appellate</sup> Authority. He may file a suitable appeal to the ~~Appellate~~ Authority. If such an appeal is received, the same should be considered in accordance with the rules and pass a reasoned order expeditiously.


In view of what is explained above no further order is considered necessary in this DA.

The DA is disposed ~~of~~ <sup>in</sup> terms of the above direction. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL)  
5.11.96

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED 5TH NOVEMBER 1996  
Dictated in open court

  
15.11.96  
Dy. Registrar (S)

27/11/96 (37) 727/96

Typed By  
Compared by

Checked By  
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)  
Hm Mr. B.S. Jai Permeswar m (3)

DATED: 5/11/96

ORDER/JUDGEMENT

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

D.A. NO. in 727/93

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दस्तावेज/DESPATCH  
27 NOV 1996  
HYDERABAD BENCH