

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.793/93

Date of Order: 19.12.96

BETWEEN:

P.Xavier

.. Applicant.

AND

1. Chief Marketing Supdt.,
S.C.Rly., Secunderabad.
2. Chief Commercial Supdt.,
S.C.Rly., Secunderabad.
3. General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.V.Bhimanna

- - -

CORAM:

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

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

- - -

J U D G E M E N T

{ Oral order as per Hon'ble Shri B.S.Jai Parameshwar, Member(J) }

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None for the applicant. None for the respondents. No reply has been filed. Hence the OA is disposed of on the basis of the record available on the file under Rule 15(1) of the C.A.T. Procedure Rules 1987.

2. The applicant while working as Assistant Commercial Inspector was dismissed from service as a result of his conduct which led to his conviction before the Metropolitan Magistrate Court, Hyderabad. The applicant challenged the conviction upto ^{Hon'ble Supreme} the ~~A.P. High~~ Court wherein the conviction was confirmed ^{but} ~~and the~~ substantive part of imprisonment was reduced. The applicant was dismissed from service under Rule 14(1) of the D&A Rules. Against

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the said order of dismissal it is submitted that he had preferred an appeal to the R-3 on 19.10.91. The said appeal has not been disposed of.

3. The main contention of the applicant in this OA is that he was dismissed from service by ^{an in-}the competent authority and hence the dismissal order had to be set aside.

4. This OA is filed praying for a direction to the respondents to quash the order of dismissal passed by the Chief Marketing Supervisor vide order No.C.415/E/R/Staff-85/P.Xavier, dt. 4.9.91 (P-8) and for a consequential relief of direction to reinstate him into service.

5. Since the appeal against the order of dismissal is pending before the competent authority, we feel it proper to direct R-3 to decide the appeal taking into consideration the contentions raised in the OA in accordance with ~~the~~ law.

6. Before ^{we} depart with the case, we feel it proper to place on record the conduct of the learned standing counsel for the respondents. Mr. V. Bhimanna ^{who} was present ^{and left the court hall when we took} ~~adhere to take~~ up the case. Even though he was fully aware of the fact that the next matter was the one which he represented, he left the court ^{hall} without moving for an adjournment or without any request. Presumably no reply was filed, the learned standing counsel left the court to avoid criticism on ~~his~~ count. We do not appreciate the above conduct of the learned counsel for the respondents.

7. The OA is ordered accordingly. No costs.

(B.S. JAI PARAMESHWAR)
Member (Judl.)
19.12.96

(R. RAJAGARAJAN)
Member (Admn.)

Dated: 19th December, 1996

(Dictated in Open Court)

sd

For
21.12.96
By Registrar

20/1/97

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED:

19/12/96

~~ORDER/JUDGEMENT~~

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

O.A.No.

in

793/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

~~ORDERED/REJECTED~~

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रेषण/DESPATCH

17 JAN 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH