

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

MA No. 823 of 1990 and  
T.A.No. 116/1988  
(WF.No.265/85)

Date of Order: 20.12.90

Between

G.Yadagiri Rao  
and



....Applicant  
(in both the applications)

The Deputy Chief, Executive (A)  
Nuclear Fuel Complex,  
Moula Ali, Hyderabad.

.....Respondent

(in de-)

Appearance:

For Applicant: Mr.K.Vinay Kumar, Advocate

For Respondent: Mr.E.Madan Mohar Rao, Adcl.CGSC

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C C R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI J.N.MURTHY: MEMBER(JUDICIAL)

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(Judgment of the bench delivered by Hon'ble Shri B.N.Jayasimha  
Vice Chairman)

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1. This Writ Petition No. 265 of 1985 (T.A.No.116/88) was filed in the High Court of Andhra Pradesh by ~~an~~ <sup>the Writ Petitioner</sup> who is an employee of the Nuclear Fuel Complex, Moula Ali, Hyderabad. He filed this Writ Petition aggrieved by the orders passed by the respondent in Proceedings No.PAV/2606/1566/1662 dated 31-12-1984 reducing him to the lower post of Tradesman 'A' from the post of Tradesman 'B'. This Writ Petition has been transferred to this Tribunal under Section 29(1) of the Administrative Tribunals Act, 1985.

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There is no bar on an Enquiry Officer coming to a conclusion on the sole evidence of the complainant.

7. We have considered these rival submissions. The allegation against the applicant is that the applicant promised one Shri G.Gangadhar that he would provide a job for his wife as LDC/UDC in NFC and demanded Rs.6,000/- in November 1982. Out of the amount of Rs.6,000/- demanded, Shri Yadagiri Rao (applicant) had received Rs.2,000/- in the house of Shri Gangadhar in the presence of his friend Mr.B.Venkatesh. Shri Gangadhar has complained that this amount has not been returned to him. The complainant, Gangadhar, was the only witness examined on behalf of the department and he has deposed that the applicant had demanded Rs.6,000/- for securing a job and he received Rs.2,000/- as an advance in his house. The applicant produced 2 defence witnesses who deposed that there was some incident near Tourist Hotel, Kachiguda, Hyderabad, where 2-3 persons talked harshly to the applicant and enquired about some woman. They did not disclose anything in relation to the alleged taking of money by the applicant. It is in these circumstances that the Enquiry Officer, placing reliance on the evidence of the complainant, came to the conclusion that the applicant had behaved in a manner unbecoming of a Government servant. The question is whether the conclusion of the Enquiry Officer is to be found invalid only on the ground that it is based on the sole evidence of the complainant. We do not think so. The applicant produced two witnesses on his behalf, but they did not say anything about the complaint made by P.W.1. The applicant has not been able to rebutt the evidence of the complainant. On a total consideration of the Enquiry

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of the appellate authority dated 6-4-1985 and after hearing the parties, the amendment was ordered. Subsequently, the case was dismissed for default on 28-6-89 as neither the applicant nor his counsel was present on 19-6-1989 and 23-6-1989 when the case was called. The applicant has since filed a Miscellaneous Application for restoration viz., M.A.NO. 823/1990, and after restoration we have heard the case on merits. M.A.No. 823 of 1990 is accordingly ordered.

4. We have heard Shri Viney Kumar, learned counsel for the applicant and Shri E.Madan Mohan Rao, Addl. Central Government Standing Counsel, for the respondents.

5. The main arguments of the learned Counsel for the applicant is that Mr.B.Venkatesh, the 2nd prosecution witness, did not tender evidence at all and the entire case of the Department has rested on the evidence of the Complainant Shri Gangadhar. The Enquiry Officer has stated in the enquiry report that Shri Venkatesh did not turn up even after several notices for different hearings including the notices sent to him by Regd. Ack.Due post and therefore decided to drop this witness and in agreement with the Presenting Officer, the prosecution has been closed. He, therefore, contends that based solely on the evidence of the complainant, the applicant cannot be held guilty.

6. Shri E.Madan Mohan Rao, learned Standing Counsel on behalf of the respondents on the other hand contends that the P.W.1 i.e. Complainant's deposition was clear and the applicant had an opportunity to cross-examine him the same.

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Officer's report, it cannot be said that his conclusions are perverse.

8. In the result, we find no merit in this application and it is dismissed accordingly. No order as to costs.

CERTIFIED TO BE TRUE COPY  
.....*D. S. S. Rao*.....  
Date.....*31/12/90*.....  
Court of  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad.

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To

1. The Deputy Chief Executive (A)  
Nuclear Fuel Complex, Moula Ali,  
Hyderabad.
2. One copy to Shri K. Vinay Kumar, Advocate,  
1-1-782/B/3, Gandhinagar Park, Hyderabad-380.
3. One copy to Shri E. Madan Mohan Rao, Addl.CGSC.
4. One copy to The Hon'ble Mr. J.N. Murthy, Member (J),  
C.A.T., Hyderabad Bench, Hyderabad.
5. One Spare Copy.

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