

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1380/93.Dt. of Decision : 06-12-96.

Smt. Jilpa D.S.Rajy

.. Applicant.

Vs

1. The Union of India, Rep. by the Director General, Telecommunications, New Delhi-110 001.
2. The General Manager, Hyderabad Telecom District, Suryalek Complex, Hyderabad-500 033.
3. The Divisional Engineer, Gowliguda Telephone Exchange, Gowliguda, Hyderabad-500 012.

.. Respondents.

Counsel for the Applicant : Mr. J.V. Lakshmana Rao

Counsel for the Respondents : Mr. V.Rajeswara Rao for Mr. N.V.Ramana, Addl.CGSC.

CORAM:

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

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



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ORDER

ORAL ORDER (PER HON. SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.J.V.Lakshmana Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, learned counsel for the respondents.

2. For certain misconduct that the disciplinary authority imposed the punishment on the applicant vide his ~~intk~~ order No.L-55/AEP II/GWD/TSO/Disc/91-92/5 dated 16-07-92. The punishment imposed on the applicant reads as under:-

"THEREFORE, I, B.Tulasi Das, AEP II/GWD do hereby award the punishment of withholding of two increments for two years with commulative effect to Smt.Jilpa D.S.Raju, TSC, St.No.649".

This order is ^{an} appealable order under Rule 25 of the CCS (CCA) Rules, ^{and} that the period of 45 days ^{is} prescribed from the date on which a copy of the order appealed against is delivered to the applicant.

3. Even before the applicant preferred an appeal against the order of punishment ^{dated} 16-7-92, the respondent No.3 in exercise of his power under Rule-29 (i) (v) of the CCS (CCA) Rules, 1965 issued notice dated 17-08-92 calling upon the applicant to make any representation as to why the punishment imposed by order dated 16-07-92 be revised.

4. We feel that the respondents No.3 could not exercise his power of representation under Rule 29 (2) of the CCS (CCA) Rules, ~~xxxxxxxxxx~~ which is as follows:-

"2) No proceedings for (revision) shall be commenced until after-

- (i) the expiry of the period of limitation for an appeal, or
- (ii) the disposal of the appeal, where any such appeal has been preferred."

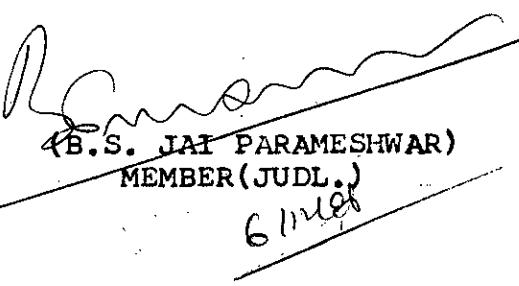
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In view of the above provision, we feel that the respondent No.3 was not justified in taking suo-moto action to revise the punishment under Rule 29 (5) of the CCS (CCA) Rules read with Rule-29 (6) of the same rule.

5. In view of the above order of the appellate authority dated 02-09-92 has to be set aside as the appellate authority's order is in supersession of the disciplinary authority's order. Both the orders are liable to be set aside. However, liberty is given to the disciplinary authority to finalise this proceedings from the stage which stood at the time when the period for filing the explanation to the chargesheet is over. However, the disciplinary authority should give her a personal hearing before the disposal of charge sheet, if she so desires to adhere to the principles of natural justice.

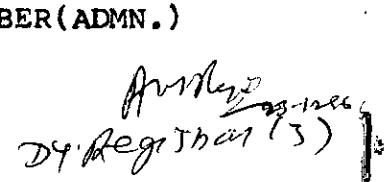
6. With the above directions, the OA is disposed of.
No costs.


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

6/11/92

Dated : The 06th December 1996.
(Dictated in the Open Court)


(R. RANGARAJAN)
MEMBER (ADMN.)


D.Y. Regd. No. 173

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Copy to:-

1. The Director General, Telecommunications, Union of India, New Delhi.
2. The General Manager, Hyderabad Telecom District, Sur-yalok complex, Hyd.
3. The Divisional Engineer, Gowliguda Telephone Exchange, Gowliguda, Hyd.
4. One copy to Sri. J.V.Lakshmana Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Hon'ble B.S.Jai Parameshwar, Judicial Member, CAT, Hyd.
7. One spare copy.

Rsm/-

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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:

6/12/96

ORDER/JUDGEMENT

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

O.A. NO.

1380743

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLR

No Spare Copy

