

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No.1480/93

Date of decision: 22.11.1996

BETWEEN:

B.K. Nageswar Rao .. Applicant

AND

1. The Union of India represented by the Secretary, Department of Space, New Delhi.
2. The Director, Shar Centre, Sriharikota.
3. The Controller, Personnel and General Administration, Shar Centre, Sriharikota.
4. The Head, Personnel and General Administration, Shar Centre, Sriharikota.

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Counsel for the Applicant: Mr. B. Nalin Kumar

Counsel for the Respondents: Mr. N.R. Devaraj

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CORAM

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

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

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JUDGEMENT

(Oral order per Hon'ble Sri R. Rangarajan: Member (Admn.)

Heard Mr. Sastry for Nalin Kumar.

This OA is filed for setting aside memorandum
No.SCF/PGA/LDS/D2 (209)/90/1121 Dt.26.8.93 issued by R-2)

Memo Dt.14.7.92 bearing No.LDS/D-2(209)/90/2908 of R-3

confirming the order of R-2 and Order No.LDS/D-2(209)/90/2407

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Dt.10.10.91 of R-4 whereby the applicant was reduced to lower grade. and consequential benefits.

The applicant was issued ^{int} the charge sheet for some financial irregularity committed by him. That charge sheet was followed up by an inquiry and the disciplinary authority i.e. R-4 passed the order No.LDS/D-2(209)/90/2407 Dt.10.10.91. By this order the applicant, -Office Clerk-B, was reduced to lower grade Office Clerk -A in the time scale of pay of Rs.950-1500 with immediate effect for a period of 3 years and the consequential orders.

Against this order the applicant filed an appeal to R-3 by his representation dated 22.4.92. That appeal was disposed by memorandum Dt.14.7.92. Disposal ^{of} appeal should be issued in the name of the appellate authority and the orders cannot be issued on behalf of the appellate authority. The order on appeal Dt.14.7.92 was signed by Assistant Administrative Officer/LDS on behalf of competent authority. Even the designation of the competent authority was not indicated in the order. The appellate order is very short and it does not indicate any reason for rejecting the appeal. In view of the above it has to be held that the order of the appellate authority was issued without application of mind and that too not by designated official. Hence we are of the opinion that the order of the appellate authority cannot be upheld and has to be set aside. The Revision order issued by R-3 though indicates reasons ^{orderly} ^{and} for upholding the ^{order} ^{and} the disciplinary authority this also cannot be sustained in the eye of the law as the appellate order has to be set aside. In view of the above this order also has to be set aside. A further direction has to be given to R-3

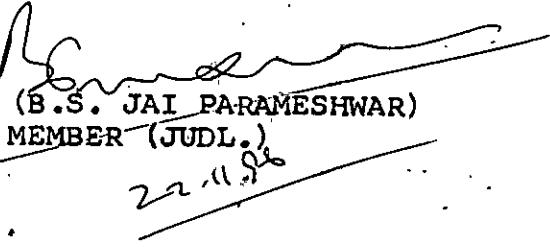
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to consider the appeal afresh and issue a speaking order after considering all the contentions. The applicant after receiving the speaking order may however submit a revision petition to R-2.

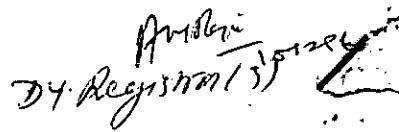
In the result the order of the appellate authority Dt.14.7.92 and the order of the Revision Authority Dt.26.8.93 are set aside. The appellate authority, namely, R-3 should now give a speaking ^{order} on his appeal following extant rules. The applicant may, if so ^{desired} file a revision petition after the disposal of his appeal. If such a revision petition is received the concerned authority should dispose of the same as per extant

The OA is ordered accordingly. No costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

Date: 22ND NOVEMBER 1996
Dictated in the open court


Amala
Dy. Registrar (15/11/96)

KSM

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9/10/88

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TYPED BY

CHECKED BY

COMPARED 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:

22/11/91

ORDER/JUDGEMENT

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

O.A.NO.

1480743

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLIED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रेषण/DESPATCH

18 DEC 1991

हैदराबाद न्यायपीठ
HYDERABAD BENCH