

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

AT HYDERABAD

O.A.No. 1053/93

Date of Order: 4.2.1994

BETWEEN :

A.Mohan Rao

.. Applicant.

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1. The Union of India,
Rep. by the Secretary,
Ministry of Planning
(Dept. of Statistics),
New Delhi.
2. The Director, National Sample
Survey-Oncs-Division, K.K.Puram,
New Delhi.
3. The Regional Assistant Director,
National Sample Survey Organisation
(F.O.D.) A.P.(North) Regd:-
4. The Superintendent, National
Sample Survey Organisation,
(F.O.D.) A.P. (North) Region,
6-5-13, Subadhnagar,
Nizamabad.

.. Respondents.

Counsel for the Applicant .. Mr.Y.Vijay Kumar

Counsel for the Respondents .. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

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

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri Y. Vijaya Kumar, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. The applicant who is an Inspector in National Sample Survey Organisation in the R-2 organisation, was suspended by order dated 23-6-1993. The applicant made representation dated 9-7-1993 as against the said order of suspension to the Appellate Authority. The latter informed the applicant by order dated 30-8-1993 that there are no grounds for revoking the order of suspension.

3. Even on 23-8-1993 the applicant filed this DA assail-suspended.

4. Charge memo dated 13-8-93 was issued to the applicant and the Articles I and II in Annexure-II of the charge memo are as under :

Article-I
That the said Shri A. Mohan Rao while functioning as Investigator in the SRO at Nizamabad during the periods from September, 1992 to June, 1993, showed sheer negligence in discharge of Govt. duties and that he failed to maintain absolute devotion to duty and proceeded on leave frequently with a view to avoid assigned work.

Thus, Shri Mohan Rao is charged with showing sheer negligence in discharge of Govt. duties, failing to maintain absolute devotion to duty and taking leave frequently with a view to avoid assigned work and thereby violating provisions of Rule 3(i)(ii) & (iii) of CCS (Conduct) Rules, 1964.

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Article-II

That while functioning as Investigator in the SRO Nizamabad during the period from September, 1992 to June, 1993, Sri A. Mohan Rao, Investigator sent representations directly to higher authorities ignoring the official requirement of making representations only through proper channel, in which he had used derogatory and intemperate language against his superiors and thus showed utter insubordination against his seniors.

Thus Shri Rao is charged with sending representations directly to the higher authorities ignoring the official requirement of making representations through proper channel using derogatory and intemperate language therein against his seniors and thereby showing utter insubordination and defiance and thereby violating Rule 3(i)(iii) of CCS(Conduct)Rules, 1964.

5. The learned counsel for the applicant had referred to 1973(1) LIC 541 (M. Abddl Salam vs. State of Kerala) a judgement of Kerala High Court, and 1993(23) ATC 221 (Sukhbir Singh vs. Delhi Administration and others), a judgement of Principal Bench, New Delhi, to contend that it is open to the Tribunal to set aside order of suspension if it was passed on extraneous considerations or malafides or if it was perverse.

6. We perused the Articles of the charge. The applicant 2nd to 4th November, 1993, and it was adjourned to 15-11-93 when the applicant requested for time on the ground that his mother-in-law was sick. When the same request was made on 15-11-1993 it was adjourned to 21-12-1993. On that day the applicant submitted that the inquiry officer is biased against him. Hence, the matter was adjourned to 22-2-1994.

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It is now reported for the respondents that the plea of the applicant about the bias on the part of inquiry officer is negatived and the inquiry would be proceeded on 25-2-94.

7. Unless it is absolutely necessary that disposal of writ petition/^{application} filed against suspension, Tribunal/Court will not make any observation in regard to gravity of the charges as it may prejudice the cause of the delinquent employee in the inquiry. We feel that after looking into the Articles of charge and as the inquiry ^{is now} is not dealing ~~in the~~ proceeding with the inquiry, it is just and proper to pass the following orders :

8. We do not feel it a proper case to set aside the order by 31-7-1994, the applicant is free to move this Tribunal by way of Miscellaneous Application in this OA for considering as to whether there will be justification for further continuing suspension or whether it will be a matter for revoking the same.

9. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member, OA


(V. Neeladri Rao)

Dated : 4th February, 94
Dictated in the Open Court


Deputy Registrar (J) C.C.

To

1. The Secretary, Ministry of Planning
Union of India, (Dept. of Statistics) New Delhi.
2. The Director, National Sample Survey Organisation,
Field Operations Division, R.K.Puram, New Delhi.
3. The Regional Assistant Director, National Sample
Survey Organisation (F.O.D) A.Pp(North) Region,
293/7, Mahavir Marg, Hyderabad.
4. The Superintendent, National Sample Survey Organisation,
(F.O.D) A.Pp (North) Region, M 6-5-13, Subadhnagar, Nizamabad.
5. One copy to Mr.Y.vijay Kumar, Advocate, CAT.Hyd.
6. One copy to Mr.N.v.Raghava Reddy, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO

VICE-CHAIRMAN

AND

THE HON'BLE MR. A. E. GORTHI : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARASAN : MEMBER
(ADMN)

Dated: 4-2-1994.

~~ORDER/JUDGMENT:~~

M.A./R.A/C.A. No.

O.A.No.

in

1053/93

T.A.No.

(W.P. No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

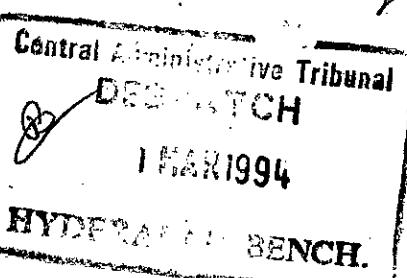
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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