

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1066/93.

Dt. of Decision: 05-12-96.

Vaddadi Seshagirao

.. Applicant.

Vs

1. The Flag Officer Commanding in-chief,
Eastern Naval Command,
Visakhapatnam-14.

2. The Chief of Nava, Staff],
Naval Headquarters,
New Delhi-110 001.

.. Respondents.

Counsel for the Applicant : Mr. P.B.Vijaya Kumar

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

CORAM:

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

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

ORDER

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

Heard Mr.Pathr^o for Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respndents.

2. The applicant was punished with the penalty of reduction by one lower stage by R-1 by order No.CE/9142/4/1/VS dated 27-08-92 (Annexure-I). The order reads as below:-

"the pay of Shri Vaddadi Seshagiri Rao be reduced by one lower stage i.e., from Rs.1560/- to Rs.1530/- in the time scale of pay of Rs.1200-30-1560-EB-40-2040/- for a period of two years with effect from the date of delivery of the order to Shri Vaddadi Seshagiri Rao, Telephone Operator Grade.I. It is further directed that Shri Vaddadi Seshagiri reduction and that on the expiry of this period, the reduction will have the effect or postponing his future increments of pay".

Against that ^{punishment} order he filed an appeal to R-2 dated 25-09-92 (Annexure-II). It is stated that he followed it up with a reminder dated 15-04-93 (Annexure-III) for disposal of his appeal. But no reply was given to his appeal. After expiry of 6 months, the ~~authority~~ authority disposed of his appeal on 29-10-93 during the pendency of the application in this Tribunal.


3. Section 19 (4) of the CAT (Procedure) Rules, 1987 ~~is~~ reads as follows:-

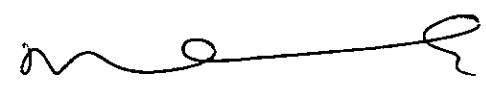
"Where an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules"

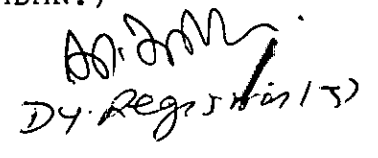
4. In view of Section 19 (4), the appeal preferred by the appellant shall abate. The appellate authority could not have passed the order when the matter was pending without a direction ^{being} ~~was~~ given. No direction was given to the appellate authority to decide the appeal. Hence, we feel it proper to set aside the order passed by the appellate authority and we give the following direction:-

The appellate authority shall consider the appeal dated 25-08-92 filed by the applicant ^{appellat} within 3 months from the date of receipt of ^{the} ~~a~~ copy of this order. If the applicant desires to have a personal hearing, the authority shall give such an opportunity to him for personal hearing. The applicant is also at liberty to raise any additional contentions in this connection at the time of hearing.

5. With the above observatio, the OA is disposed of. No order as to costs.


 (B.S. JAI PARAMESHWAR)
 MEMBER (JUDL.)
 5/12/96


 (R. RANGARAJAN)
 MEMBER (ADMN.)


 Dy. Registrar

Dated : The 5th December 1996.
 (Dictated in the Open Court)

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Copy to:-

1. The Flag Officer Commanding in- Chief, Eastern Naval Command, Visakhapatnam.
2. The Chief of Naval Staff, Naval Headquarters, New Delhi.
3. One copy to Sri. P.B.Vijayakumar, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Hon'ble Sri. B.S.Jai Parameshwar, Judicial Member, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

(32)

3/1/97

II COURT

BY THE TRIBUNAL

HYDERABAD BENCH

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: 5/12/91

ORDER/JUDGEMENT

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

O.A.No. 1066/93

- 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
दस्तावेज / DESPATCH
- 1 JAN 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH