

(68)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 768 of 1994.

- - - - -

Date: 2-5-1997

Between:

B.Raja Rao. Applicant.
and

1. The Chief of the Naval Staff,
Naval Headquarters, DHQ P.O.,
New Delhi - 110 011.
2. The Flag Officer,
Commanding-in-Chief,
Eastern Naval Command,
Naval Base,
Visakhapatnam - 530 014. Respondents.
3. The Admiral Supdt., Naval Dockyard, Visakhapatnam.

Counsel for the applicants: S.Kishore.

Counsel for the Respondents: Sri N.R.Devraj.

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (A)

HON'BLE SHRI B.S. JAI PARAMESHWAR, Member (J)

(as per Hon'ble Shri B.S. JAI PARAMESHWAR, Member (J))

None for the applicant. The applicant was also called absent. Heard Sri N.R.Devraj, Counsel for the respondents.

While the applicant was working as Pipe Fitter, Grade II, he was served with a Charge Memo dated 31-3-1986. The imputation against the applicant was as follows:

"That the said Shri B. Raja Rao serving as Pipe Fitter, ESK-II, T.No.4714, Naval Dockyard, Visakhapatnam did at the time of his initial appointment

Jai

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submit a false document viz., I.T.I. Provisional Certificate dated 231st July, 1971 in Plumber Trade, said to have been issued by the Principal, Industrial Training Institute, Kakinada with full pre-knowledge of its fakement with an intention to cheat the Government and thereby secure appointment in Naval Dockyard, Visakhapatnam.

B.S.Raja Rao, Pipe Fitter, HSK-II has thus behaved in a manner unbecoming of a Govt. servant and thereby contravened Rule 3(1) (iii) of CCS (Conduct) Rules, 1964..

The applicant denied the charges. A detailed enquiry was conducted and after considering the findings of the Enquiry Officer, the Disciplinary Authority in its ^{Ceeditngs} Proc., No. PES/8401/4714 dated 6-3-1988 imposed punishment of removal from service against the applicant. The said punishment was ultimately challenged by the applicant before this Tribunal in O.A. No. 220/89. On 10-2-1992, this Tribunal set aside the punishment only on the ground that the Disciplinary Authority had not furnished a copy of the report of the Enquiry Officer to the applicant before imposing the punishment. In accordance with the directions contained in the O.A., the Disciplinary Authority furnished a copy of the report of the Enquiry Officer to the applicant and considering his ^{Explanation} application passed the impugned Order bearing No. PES/841/4714 dated 26-5-1994 for removing the applicant from service. However, his removal

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from service would not be detrimental for his future employment. It is this order that has been impugned in this O.A.

The order of removal from service dated 26-5-1994 is an appealable order. The applicant has not specifically stated the remedies available to him before filing this O.A.

A reply has been filed in this case. Though the respondents have denied the allegations made by the applicant in the O.A., denied, they have not specifically stated whether the applicant had preferred an appeal against the impugned Order dated 26-5-1994. However, during the course of the arguments, the learned counsel for the respondents submitted that since in the impugned order, it is not clearly mentioned that the applicant could ^{Appellate} ~~had preferred~~ an appeal to the ~~Disciplinary~~ Authority, it is deemed that the applicant has not preferred an appeal against the impugned order. Thus, it is clear, that the applicant has not exhausted all the remedies available to him under the Central Administrative Tribunals Act. Hence we make the following order:

If the applicant is so advised, he may prefer an appeal to the ^{Appellate} ~~Disciplinary~~ Authority/proper Respondents against the impugned order within one month from the date of receipt of the copy of this Order.

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~~RE-RE~~

In case such an appeal is received by the Appellate Authority within the stipulated period, the concerned Appellate Authority shall decide and consider the said appeal on merits without going into the question of limitation.

The O.A. is disposed of accordingly. No order as to costs.

B.S.JAI PARAMASHWAR
MEMBER (J)

2/5/97

M.E
R.RANGA RAJAN
MEMBER (A)

Date: 2-- 5--1997.

Dictated in open Court.

SSS.

Arul
D.R (J) *12662*

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SYNTHETIC

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI S. S. -

(j)

DATED: 2/5/87

ORDER/JUDGEMENT

M₂A₂/R₂A/C₂A₂NO₂

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B.A. N.D.S. 768/94

Admitted and Interim directions
Issued.

Allowed

Disposed of ~~with directions~~

Dismissed

Dismissed as with

Dismissed for default

Ordered/Rejected

No endogenous

VI. VI

केन्द्रीय प्रशासनिक अधिकारक Central Administrative Tribunal

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23 JUN 1997

हृदरावाद अध्ययनील
II HYDERABAD BRANCH

Ex-
K. Clark (Enclosed
Property 2)