

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1258/94.

Dt. of Decision : 28-10-96.

T. Govind Rao

.. Applicant.

Vs

- 1. The Secretary,
Govt. of India,
Dept. of Atomic Energy,
Anushakthi Bhavan, CSM Marg,
Bombay-400 039.
- 2. The Chief Executive,
Appeallate Authority,
NFC, Dept. of Atomic Energy,
ECIL Post, Hyderabad.
- 3. The Dy. Chief Executive (A),
(Disciplinary Authority),
NFC, Dept. of Atomic Energy,
ECIB Post, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr.S.Ramakrishna Rao
 Counsel for the Respondents : Mr. N.R.Devaraj Sr.CGSC.

CORAM:

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

-2-

ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant was issued with a chargesheet vide memorandum No.NFC/PA.V/2606/3945/585 dated 09-09-93 (Annexure-IV) for misconduct in terms of Rule 3(1) (iii) of CCS (Conduct) Rules, 1964. In that he refused to accept an official communication dated 1-6-93 from Fuel Development Office. Though the applicant states that he has filed his defence statement the respondents submit that no such defence statement has been filed by him. R-3 imposed the punishment of Censure ~~of~~ ^{on} the applicant vide order ~~at~~ No. Ref : NFC/PA.V/2606/3945/736 dated 17-1-94 (Annexure-VIII). The applicant filed appeal against the same vide his letter dated Nil (Annexure-II). That appeal was disposed of by R-2 by his order No. Ref : NFC/PA.V/2606/3945/878 dated 26-07-94 (Annexure-I) confirming the orders of the disciplinary authority.

3. This OA is filed for setting aside the impugned order dated 17-1-94 imposing the penalty of censure to him and the appellate order dt. 26-7-94 confirming the same.

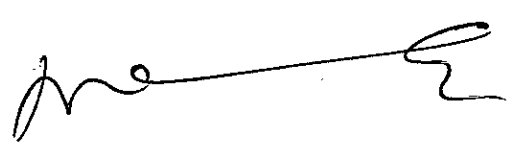
4. The main contention of the applicant is that he has submitted defence statement dated 21-10-93 which was not accepted by the disciplinary authority. Hence his case has been decided without his defence statement. It is further contended that the submission of his reply statement dated 21-10-93 is witnessed by one Mr.Ramakrishna, NFC Union President. The next contention is that he cannot read English and hence the statement that the chargesheet was read out to him in Telugu is not correct. Hence the contention of the chargesheet was not understood by him.

5. Appellate authority in his order dated 26-07-96 does not indicate whether he made any verification in regard to the ^{filing of} statement of the defence statement in presence of Mr. Ramakrishna. It also does not state ~~that~~ whether the chargesheet was read out to him. In view of the above, I feel that ~~the~~ justice will be done if the applicant is given a personal hearing by R-2 and on that basis decide his appeal. In that view the impugned ~~and~~ appellate order dated 26-7-94 has to be set aside and R-2 should be directed to give a personal hearing to the applicant and decide the issue after hearing him in accordance with law.

6. In the result, the following direction is given:-

The appellate order dated 26-07-94 is set aside. R-2 should give a personal hearing to the applicant who may submit all his contention raised in this OA at the time of hearing. ~~The~~ R-2 after hearing the applicant should dispose of the appeal at Annexure-II in accordance with law giving a speaking order ^{including} the points made by him during the personal hearing.

7. The OA is disposed of accordingly. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 28th October 1996.
(Dictated in the Open Court)

spr

Amalgam
31-10-96
D.R.(S)

18/11/92

27

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 28-10-86

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

in

O.A.NO. 1258/84

~~ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED.
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.~~

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वैद्युत / DESPATCH
27 NOV 1986
हैदराबाद न्यायपीठ
HYDERABAD BENCH