

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION-NO.141 of-1994

DATE-OF-ORDER:-21st-JANUARY,-1997

BETWEEN:

CHUKKA APPA RAO

.. APPLICANT

AND

1. The Chief of the Naval Staff,
Naval Headquarters, New Delhi-1,
2. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam,
3. The Naval Armament Supply Officer,
Naval Armament Depot, Visakhapatnam,
4. The Chief Staff Officer (P&A),
Eastern Naval Command,
Visakhapatnam.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. M.P.CHANDRAMOULI

COUNSEL FOR THE RESPONDENTS: Mr. N.R.DEVARAJ, Sr.CGSC

CORAM:

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

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

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

Heard Mr.Janardhana Rao for Mr.M.P.Chandramouli,
learned counsel for the applicant and Mr.Satyanarayana for
Mr.N.R.Devaraj, learned senior standing counsel for the
respondents.

2. The applicant was working as Fireman Grade-II, a
Group-D post, at Naval Armament Depot, Visakhapatnam.
While working as such, he was served with a charge memo

dated 4.8.87 (Annexure-I). With respect to the said charge, the applicant submitted an explanation and a detailed enquiry was conducted. After considering the report of the Inquiry Officer and also the explanation furnished by the applicant, the disciplinary authority by his order dated 22.3.93 imposed a penalty of removal of the applicant from service. It is submitted for the applicant that against the said order of penalty, he submitted a memo of appeal on 7.5.93 (at page 11 of the material papers of the OA)


3. In the counter it is stated that the respondents have not received the memo of appeal dated 7.5.93. The applicant had sent a letter through his advocate inquiring as to the position of the appeal for which they sent an endorsement stating that imposition of penalty was proper and was done after following the procedure. We feel that the communication to the Advocate cannot be considered as an order of the appellate authority on the memo of appeal dated 7.5.93. When the respondents themselves state that they have not received the memo of appeal dated 7.5.93, we feel it proper to direct the respondents to consider the memo of appeal dated 7.5.93 and to pass a speaking order thereon. The applicant also prays that while disposing of the appeal, his long length of service may also be taken into consideration before disposing of the appeal.


4. In the result, it is directed that the appellate authority should dispose of the appeal dated 7.5.93 in accordance with law expeditiously, preferably within three

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months from the date of receipt of a copy of this order.
(Registry to send a copy of his appeal dated 7.5.93 along
with the judgement to the respondents).

6. The OA is ordered accordingly. No order as to
costs.

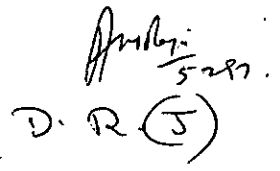

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

21 1-97

DATED: -21st-January, -1997
Dictated in the open court.

-vsn


D. R. (J)

19/2/97

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: 21/1/97

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

in

O.A.NO. 141/94

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

II COURT

YLKR

*11/1/97 as per Appellate order 7-5-97
Enter official records*

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
HYDERABAD BENCH
18 FEB 1997
HYDERABAD BENCH

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