

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 201/94.

Dt. of Order:24-3-94.

Sathaiah

....Applicant

Vs.

1. Union of India, rep. by
The Secretary,
Ministry of Defence, New Delhi-1.
2. Scientific Adviser to the Ministry
of Defence, Director Research & General,
Directorate of Personnel H Block,
DHQ PO NEW DELHI-110011.
3. The Director, Defence Metallurgical
Research Laboratory, (DMRL), Kanchanbagh (PO),
Hyderabad-258.

.....Respondents

Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri V.Bhimanna, CGSC

CORAM:

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

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

....2.

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O.A.NO.201/94.

JUDGMENT

Dt: 24.3.94.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri K.Sudhakar Reddy, learned counsel for the applicant and Shri.V.Bhimanna, learned standing counsel for the respondents.

2. This OA was filed praying for quashing the three charge memo^s dated 29.4.1977 referred to in para 7(a) of the OA and the suspension order dated 2.8.1976 and for reinstatement of the applicant with all consequential benefits and to direct the respondents to pay the full [&] amounts to the applicant from 2.8.1976 by treating the said period as on duty and to reckon the said period for ^{purp. of} counting the seniority and for all other purposes. // It is ^{an} unfortunate case where the applicant is under suspension since more than 17 years. There was justification for not proceeding with the inquiry till the Supreme Court decided in December 1990 in 1990(2) JT SC 544 (Scientific Adviser to the Ministry of Defence Vs. S.Daniel). But it is not known as to why the inquiry against the applicant in regard to the charges referred to could not be proceeded with even thereafter.

3. It is now stated that in similar cases, the Division Bench of the High Court disposed of the writ appeal No.499/79 and batch by the judgment dated 22.4.1980 by giving a direction to the respondents to complete the inquiry within two months from the date of receipt

contd....

221/94

Copy to:-

1. The Secretary, Ministry of Defence, Union of India, New Delhi.
2. Scientific Adviser to the Ministry of Defence, Director Research & General, Directorate of Personnel H Bloc, DHQ PO New Delhi-011.
3. The Director, Defence Metallurgical Research Laboratory, (DMRL), Kanchanbagh (P), Hyderabad-258.
4. One copy to Sri. K.Sudhakar Reddy, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Bam/-

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of the copy of the said judgment and if the inquiry is not completed by that time, the suspension will stand revoked on the expiry of the said period of two months.

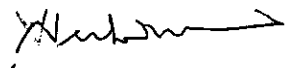
Therein, it was also observed that if the delinquent employee therein fails to cooperate in completing the inquiry, the employer was free to proceed with the inquiry in accordance with the rules.

4. So, in the circumstances, it is just and proper to pass the following order in this OA:-

The inquiry against the applicant in regard to all the three charges referred to in Para 7(a) of this OA has to be completed by 31.5.1994 failing which the suspension order dated 2.8.1976 stands revoked on 1.6.1994. If the applicant fails to cooperate in the inquiry, the respondents are free to proceed with the inquiry in accordance with the rules.

5. The OA is ordered accordingly at the admission stage. No costs.

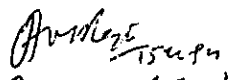

(A.B. GORTSI)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 24th March, 1994.
Open court dictation.

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Dy. Registrar (Judl.)

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 24/3/-1994

ORDER/JUDGMENT:

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

O.A.No.

in
201/94

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

