

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

D.A. 369/94

Dt. of Decision : 31.3.94

G. Gopal Swamy

.. Applicant

Vs

1. Union of India, Rep. by  
The Secretary,  
Ministry of Defence,  
New Delhi - 11.
2. Scientific Adviser to the Ministry  
of Defence, & Director General  
Research & Development,  
Ministry of Defence,  
DHQ PO NEW DELHI - 110 011.
3. The Director,  
Defence Metallurgical Research Lab,  
Kanchanbagh (PO),  
Hyderabad - 258. .. Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC

CORAM:

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

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

..2

*[Handwritten signature]*

O.A.No.369/94.

Date: 31.3.94

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) I

Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. This O.A. was filed praying for quashing the O.A. and suspension order dt. 2.8.1976 and for reinstatement of the applicant with all consequential benefits and to direct the respondents to pay the full emoluments to the applicant from 2.8.1976 by treating the said period as on duty and to reckon the said period for/purpose of seniority and for all other purposes.

3. It is an unfortunate case where the applicant is under suspension since more than 17 years. There was justification for not proceeding with the enquiry till the Supreme Court decided in December, 1990 in I 1990 (2) SLR 724 - Scientific Advisor to the Ministry of Defence Vs. S.Daniel I, but it is not known as to why the enquiry against the applicant in regard to the charges referred to could not be proceeded with even thereafter.

4. It is now stated that in similar cases the Division Bench of the High Court disposed-off the Writ Appeal No.499/79 and batch by the Judgment dt. 22.4.1980 by giving a direction to the respondents to complete the enquiry within two months from the date of the receipt of the copy of the said judgment and if the enquiry is not completed by that time, the suspension will stand revoked on the expiry of

20/9/1994

(20)

the said period of two months. Therein, it was also observed that if the delinquent employees therein fail to co-operate in completing the enquiry, the employer was free to proceed with the enquiry in accordance with the rules.

..... in the circumstances, it is just and proper to pass the following order in this O.A.

6. The enquiry against the applicant in regard to ~~all the charges~~ <sup>mentioned</sup> referred to in para-7(i) in this O.A. has to be completed by 31.5.1994, failing which the suspension order dt. 2.8.1976 stands revoked on 1.6.1994. If the applicant fails to co-operate in the enquiry, the respondents are free to proceed with the enquiry in accordance with the rules.

7. The O.A. is ordered accordingly at the admission stage. No costs.

*me*  
( R.Rangarajan )

Member(Admn.)

*V.Neeladri Rao*  
( V.Neeladri Rao )  
Vice Chairman

Dated 31 March, 1994.

Grh.

*Deputy Registrar (J) CC*

To

1. The Secretary, Union of India,  
Ministry of Defence, New Delhi-11.
2. The Scientific Adviser to the Ministry of Defence,  
and Director General Research & Development,  
Ministry of Defence, DHQ PO, New Delhi-11.
3. The Director, Defence Metallurgical Research Lab.  
Kanchanbagh (PO), Hyderabad-258.
4. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.P.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY  
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

Dated: 31-3-1994

ORDER/JUDGMENT

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

in

O.A.No.

369/94

T.A.No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions ~~admitting to~~

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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Central Administrative Tribunal

DESPATCH

25 APR 1994

HYDERABAD BENCH.