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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

D.A. 370/94

Dt. of Decision : 31.3.94

K. Balasunder

.. Applicant

Vs

1. Union of India, Rep. by
The Secretary,
Ministry of Defence,
New Delhi - 11.
2. Scientific Adviser to the Ministry of
Development, Directorate of Research &
Ministry of Defence, DHQ PO New Delhi-11.
3. The Director,
Defence Metallurgical Research Lab,
(DMRL), Kanchanbagh (PO),
Hyderabad - 500 258. .. Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy
Counsel for the Respondents :

ADD1.CCSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

JUDGMENT

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

Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Sri ~~V.Sreedharan~~, learned Standing Counsel for the respondents.

2. This OA was filed praying for quashing the Charge Memo dt. 29.4.1977 referred to in para-7(i) of the OA and the Suspension Order dt. 23.8.1976 and for reinstatement of the applicant with all consequential benefits and to direct the respondents to pay the full emoluments to the applicant from 23.8.1976 by treating the said period as on duty and to reckon the said period for the 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 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 A.P. Bench of the High Court disposed-off the Writ Appeal No. 499/79 and batch dt. 22.4.1980 by giving a direction to the respondents to complete the enquiry within two months from the date of 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 the said period of two months. Therein, it was also observed that if the delinquent

(20)

employees therein fails to co-operate in completing the enquiry, the employer was free to proceed with the enquiry in accordance with the rules.

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

The enquiry against the applicant in regard to the charges referred to in para-7(i) of this O.A. has to be completed by 31.5.1994 failing which the suspension order fails to co-operate in the enquiry the respondents are free to proceed with the enquiry in accordance with the rules.

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

JR
(R.Rangarajan)
Member (Admn.)

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

Date 31 March, 1994.

Prabhakar Tare
Deputy Registrar (J)CC

Grh.

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,
Directorate of Personnel, Ministry of Defence,
DHQ PO, New Delhi.11.
3. The Director, Defence Metallurgical Research Lab.,
(DMRL), Kanchanbagh(PO) Hyderabad-258.
4. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

13/3/1994
19/4/1994

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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. T. C. CHANDRASEKHAR REDDY
MEMBER (JUDL).

AND

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

Dated: 31-3-1994

~~ORDER~~ JUDGMENT

E.A/R.A./C.A./No.

O.A.No. 370 in 94.

T.A. NO. (W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions of ~~admission~~ *for*

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

