

56

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.473/94

DATE OF ORDER : 19-2-97

Between :-

E.Balaiah

... Applicant

And

1. The Sub-Divisional Inspector of  
Post Offices, Sullurpeta Sub Division,  
Sullurpeta.
2. The Superintendent of Post Offices,  
Gudur Division, Gudur.
3. The Post Master General, Vijayawada.

... Respondents

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Counsel for the Applicant : Shri K.Venkateshwar Rao

Counsel for the Respondents : Shri Kota Bhaskar Rao, CGSC

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CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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*Jai*

...2.

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J) ).

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None for the applicant. Applicant is also absent. Heard Sri Kota Bhaskar Rao. We are deciding this OA after hearing the standing counsel for the respondents and on the basis of the material placed on the records in accordance with <sup>v. (S.C.) of.</sup> the CAT(P) Rules ~~45(1)~~ of 1987.

2. The applicant while working as EDMC/DA was served with a charge memo dt.21-2-91 directing him to submit his explanation within 10 days. The applicant submitted <sup>his</sup> his explanation on 22-1-91. The authorities concerned were not convinced with the explanation and initiated the Disciplinary Proceedings. An Enquiry was conducted in accordance with the rules. The Enquiry officer submitted his report holding that the charge against the applicant has been proved. The Disciplinary Authority by his proceedings No.PL/EDDA/Kerijatha BO dt.17-6-93 accepting the findings of the Enquiry Officer and imposed a penalty of removal of the applicant from service. ~~Against~~ Against the said punishment order the applicant preferred an appeal. The ~~appellate~~ appellate authority by his order dt.17-1-94 rejected the appeal and confirmed the punishment.


3. On going through the records it is disclosed that the Appellate Authority acted for some time as <sup>he</sup> Enquiry Officer. The Appellate Authority would have formed some <sup>an</sup> opinion about this case while acting as <sup>the</sup> Enquiry Officer. It is possible that the above impression carried by him while disposing of the appeal. The carrying of such impression <sup>or may</sup> may/not effect the passing of the order in the

(58)

appeal but however it ~~is~~ has to be held that the carrying of the impression would have caused some harm to the applicant while disposing of the appeal. Hence we feel that <sup>we have</sup> to strictly adhere to the principles of natural justice and say that the Appellate Authority should not have taken part in the enquiry proceedings earlier to the disposal of the appeal. In that view we are of the opinion that the appellate order have <sup>s</sup> to be set aside. However this will not prevent the respondents to place the appeal before the appellate authority which has not taken part in the Enquiry Proceedings at any time and pass <sup>a</sup> suitable speaking order <sup>on the memorandum of Appeal.</sup> ~~and pass suitable orders~~ dated 22.6.1993.  
~~on the same same.~~

4. In the result, the appellate order dt.17-1-94 is set aside. The memorandum of appeal submitted by the applicant shall be placed before the Appellate Authority, which is in no way concerned and has not taken part in the <sup>enquiry proceedings</sup> ~~presence~~. The said appellate authority shall consider the grounds in the appeal and decide the same in accordance with <sup>rules on</sup> ~~the~~ merits within a period of 2 months from the date of receipt of <sup>the</sup> ~~a~~ copy of this order.

5. The O.A. is thus disposed of. No order as to costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)

  
(R. RANGARAJAN)  
Member (A)

Dated: 19th February, 1997.  
Dictated in Open Court.

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322  
28/4/97

TYPED BY

CHECKED BY

COMPILED 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 PARAMESWAR:  
M(J)

DATED: 19/2/97

ORDER/JUDGEMENT ✓

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

O.A.NO. 473/94

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLIED

DISPOSED OF WITH DIRECTIONS ✓

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS. ✓

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH 15 APR 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH
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