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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, Sullurpetta Sub Division, Sullurpetta.
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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...2.

(Order per Hon'ble Shri B.S.Jai Parjameshwar, 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 the CAT(P) Rules ~~15(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 his explanation on 22-1-91. The authorities concerned were not convinced with his 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 had been proved. The Disciplinary Authority by his proceedings No.PL/EDDA/Kerijatha 80 dt.17-6-93 accepting the findings of the Enquiry Officer and imposed a penalty of removal of the applicant from service. 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.

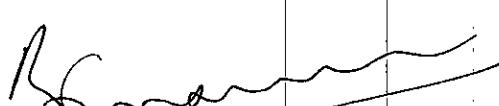
3. On going through the records it is disclosed that the Appellate Authority acted for some time as Enquiry Officer. The Appellate Authority would have formed some opinion about this case while acting as Enquiry Officer. It is possible that the above impression carried by him while disposing of the appeal.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

(SB)

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/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 ^{is} 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 ^a suitable speaking order ~~and pass suitable orders~~ on the memorandum of Appeal dated 22.6.1993. ~~on the same~~.

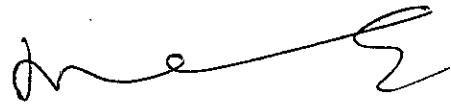
4. In the result, the ~~appellate order dt.17-1-94 is~~ set aside. The memorandum of appeal submitted by the applicant shall be placed before the Appellate Authority, which is in no way concerned and has not taken part in the ^{enquiry proceedings} presence. The a said appellate authority shall consider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

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

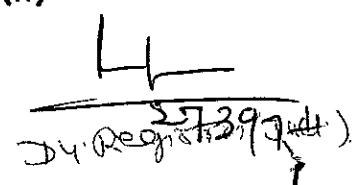

(B.S.JAI PARAMESHWAR)

Member (J)

19.2.97


(R.RANGARAJAN)

Member (A)


D.Y. Regmi (27-2-97)

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

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SP/28/1997

THE CENTRAL ADMINISTRATIVE TRIBUNAL

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. DAI PARAMESWARI: 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

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLR

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

15 APR 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

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