

(55)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 536/94.

Dt. of Decision : 29.4.1994.

M.A. Rasheed

.. Applicant

Vs

1. Director,
Central Research Institute for
Dry land Agriculture, Santoshnagar,
Hyderabad - 500 659
2. Senior Administrative Officer,
Central Research Institute
for Dryland Agriculture,
Santoshnagar, Hyderabad - 659.
3. Dr. Mahipal, Officer-in-charge,
Gunegal Research Farm,
Head of TOI Section,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-659.
4. Dr. Y. V. R. Reddy -
Head, Section of Design and
Analysis, Central Research
Institute for Dryland Agriculture,
Santoshnagar, Hyderabad-500 659. .. Respondents.

Counsel for the Applicant : Mr. V. Venkateswar Rao

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.)

O R D E R

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

Heard both the counsels.

Admit.

----- praying for suspending
the order of suspension dated 10-3-94 for quashing
charge memo. dated 28-3-94 and for setting
aside the order dated 23-4-94 whereby Respondent 4
was appointed as Enquiry officer. The statement
of imputations in regard to the charge memo.
is to the effect that the applicant brought a
photographer unauthorisedly into the premises
of the ICAR and got the equipment purchased
from the funds of the finance provided by the
World Bank photographed. The applicant pleaded that
as he was making representations from January, 1994
praying for his transfer to Santhoshnagar office
from Gunegal, the charge memo. dated 28-3-94
was issued with false allegations. We feel
that as to whether what is stated in the statement
of imputations is correct or not is a matter for
consideration in enquiry and the action of suspen-
sion of the applicant cannot be held as illegal if
what is stated in the charge memo. is correct.

2. It is alleged for the applicant that Respon-
dent 4 is one of the contemners in the Contempt peti-
tion filed in OA 552/92. In such a case, the
approach of the Court/Tribunal should be as to
whether the ~~delinquent~~ ^{delinquent} employee expects fair
enquiry from such an Enquiry officer and the

approach should not be as to whether such Enquiry officer would not ~~act~~ fairly even though he was impleaded as one of the contemnors in the Contempt petition. We feel that in fairness, Respondent 4 should not be allowed to conduct any other as Enquiry officer. Hence Memo. dated officer is set aside. But we make it clear that thereby it cannot be inferred that the Tribunal is of the opinion that Respondent 4 will not conduct the enquiry fairly, and as already observed we passed this order by keeping in view the stand point from the applicant.

(R. RANGARAJAN)
Member (Admn.)

(V. NEELADRI RAO)
Vice-Chairman

Dated the 29th April, 1994.

Open court dictation

NS

Deputy Registrar(J)CC

To

1. The Director, Central Research Institute for Dry Land Agriculture, Santoshnagar, Hyd-659.
2. The Senior Administrative Officer, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyd-659.
3. Dr. Mahipal, Officer-in-charge, Gunegal Research Farm, Head of TOI Section, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyd-659.
4. Dr. Y. V. R. Reddy, Executive Officer, Head Office, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyd-659.
5. One copy to Mr. V. Venkateswar Rao, Advocate, CAT. Hyd.
6. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
7. One spare copy.

pvm

3-23-94

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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. GORTHY : MEMBER (AD)

AND

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

AND

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

Dated: 29-4-1994

ORDER/JUDGMENT

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

in

O.A.No.

536/94

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.

Central Administrative Tribunal
HYDERABAD BENCH

18 MAY 1994

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TAPPAL SECTION