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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 54/94

Date of Order: 22.3.94

BETWEEN:

I. Samba Siva Rao

.. Applicant.

A N D

1. Union of India,
Rep. by its Secretary,
Ministry of Defence,
New Delhi - 11.
 2. The Scientific Adviser to the
Minister of Defence & Director
General Research & Development,
Ministry of Defence,
DHQ PO NEW DELHI - 110 011.
 3. The Director, ~~DRDL~~
Defence Electronics Research Lab.,
Chandrayanagutta Lines, Hyderabad-5.
- .. Respondents.

Counsel for the Applicant

.. Mr. K.Sudhakar Reddy

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

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Order of the Division Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to quash the charge sheets dated 24.6.76 and 27.4.77 on the ground that the same is illegal;

ii) to quash the suspension order dated 4.8.76 on the ground that the same is illegal, and

iii) to reinstate the applicant with all consequential benefits and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. We have heard today Mr.K.Sudhakara Reddy, counsel for the applicant and Mr.N.V.Ramana, Standing Counsel for the Respondents.

3. The applicant herein had earlier filed TA.8/91 on the file of this Tribunal to quash the charge memos dated 24.6.76 and 27.4.77 and also suspension order dated 4.8.76 that had been issued by the second respondent. As per the judgement dated 29.5.92, TA.8/91 had been disposed of by passing the following order:-

"We have heard both sides. Although there is some difference in facts, the points of law and other salient issues involved are the same as in TA.486/86 which we have decided today by a separate judgement. Hence, following that judgement, we dismiss the application with no order as to costs. We also direct the respondents to complete the remaining portion of the discipline case expeditiously."

4. As the present OA is also filed for the same relief as claimed in TA.8/91 the judgement in TA.8/91 operates as resjudicata and so it is not open for the applicant to

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file this OA for the very same reliefs as he had prayed for in TA.8/91. Confronted with this situation the counsel for the applicant Mr.K.Sudhakar Reddy did not press his prayer to quash the charge sheet but he contended as there is nearly two years delay in completing the enquiry, that appropriate orders with regard to the suspension of the applicant had to be passed. As we find merit in the said submission, we thought it fit to peruse the disciplinary file. The disciplinary file shows that the enquiry officer has submitted his report and a copy of the enquiry report had been forwarded to the applicant by Regd. post on 17.2.94. The applicant when was questioned whether he was served with a copy of the enquiry report, he stated that he has not received the said enquiry report. It is quite possible that the applicant might receive the enquiry report within 2 or 3 days. But nevertheless Mr.N.V.Ramana Standing Counsel for the respondents undertook to furnish a copy of the enquiry report by tomorrow (i.e. 23.3.94) to the counsel for the applicant in order to avoid delay in completing the disciplinary proceedings. Mr.Sudhakar-Reddy also undertook to receive the said copy of the enquiry report served on him on behalf of the applicant and that service of a copy of the enquiry report on him may be treated as service on the applicant. So, in view of this position it will be fit and proper to dispose of this OA by giving appropriate directions. The applicant shall submit his representation to the enquiry report within 10 days from the date the enquiry report is served on him or received by the applicant by Registered post. After the receipt of the said representation the

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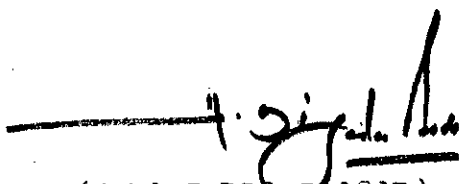
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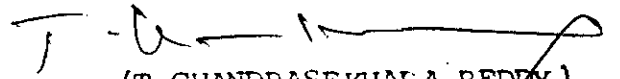
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disciplinary authority shall dispose of the enquiry pending against the applicant within 10 days thereafter. If for any reason if the disciplinary authority cannot be completed within the stipulated time and if the applicant is not responsible for the said delay the respondents are directed to revoke the order of suspension after the expiry of the said thirty days. It is needless to say that the applicant had to be reinstated after the suspension is revoked and because the enquiry should be proceeded with, even after the reinstatement.

O.A. is disposed of with no order as to costs.


(H. RAJENDRA PRASAD)
Member (Admn.)
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(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 22nd March, 1994

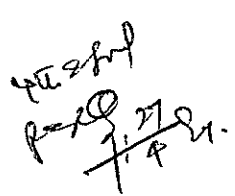
(Dictated in Open Court)


Deputy Registrar(J)CC

To sd

1. The Secretary, Union of India,
Ministry of Defence, New Delhi-11.
2. The Scientific Adviser to the Minister of Defence
and Director General Research & Development,
Ministry of Defence, DHQ PO, New Delhi-11.
3. The Director, ~~DRDL~~ Defence Electronics Research Lab.,
Chandrayanagutta Lines, Hyderabad-5.
4. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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7/4/94

URGENT
TYPED BY

COMPARED BY

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APPROVED BY

IN THE GENERAL ADMINISTRATIVE TRIBUNAL

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. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 22 3-1994

ORDER/JUDGMENT

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

O.A.No. 54/94ⁱⁿ

~~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.

