

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 54/94

Date of Order: 22.3.94

BETWEEN :

~~T. 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,  
DHC PO NEW DELHI - 110 011.
3. The Director, ~~DEE~~,  
Defence Electronics Research Lab.,  
Chandrayanagutta Lines, Hyderabad-5.  
.. Respondents.

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

Counsel for the Respondents .. Mr.N.V.Ramana

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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 (Jud1.).

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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  
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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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 disposed the enquiry~~ be proceeded with, even after the reinstatement.

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

H. RAJENDRA PRASAD  
(H. RAJENDRA PRASAD)  
Member (Admn.)

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T. C. R. R.  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 22nd March, 1994

(Dictated in Open Court )

*By R. R. R.*  
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, ~~EST~~ 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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*4th Mar  
PVM  
27/3/94*

*URGENT*

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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. C. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

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

Dated: 22-3-1994

ORDER/JUDGMENT

~~O.A./R.A./C.A.~~ / NO.

O.A. NO.

54/94  
in

~~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.

