

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.706 OF 1995

DATE OF ORDER: 29th JANUARY, 1998

BETWEEN:

MOHD. SULTAN

.. APPLICANT

AND

1. The Director, Defence Electronics
Research Laboratory,
Govt. of India, Ministry of Defence,
Research & Development Organisation,
Chandrayanagutta Lines,
Hyderabad,

2. Govt. of India, Ministry of Defence,
Research & Development Organisation,
represented by its Secretary,
New Delhi.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.V.VENKATA RAMANA

COUNSEL FOR THE RESPONDENTS: Mr. K.BHASKAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

Heard Mr.V.Venkata Ramana, learned counsel for the
applicant and Mr.K.Bhaskar Rao, learned standing counsel
for the respondents.

2. This OA is filed to set-aside the order of the 1st
respondent No.DLRL/PERS/PNR/994 dated 1.6.94 and that of
the 2nd respondent No.RD/PERS-10/21538/94(13) DLRL dated

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14.3.95 confirming the punishment order of the 1st respondent and direct the respondents to allow all consequential benefits by restoring the applicant to his original pay scale including arrears of wages, promotion etc.

3. A similar O.A.No.886/95 has been disposed of on 7.1.98. The contentions raised in that OA holds good here also and the reasons given for rejection of the contentions raised by the applicant have been clearly spelt out in that judgement.

4. Now, the applicant's counsel ^{Further} submits that

(i) The preliminary report was relied upon by the Inquiry Officer and on that basis the inquiry report was prepared.

The Inquiry report has been prepared after holding the inquiry. The applicant was present in the inquiry. Hence it cannot be said that the preliminary inquiry report has been relied upon for preparing the inquiry report.

(ii) The learned counsel for the applicant submits that the defence counsel was not made available.

When we asked him to produce the documentary evidence to show that the defence counsel was nominated and the defence counsel had also accepted the nomination but his relief was not provided by the department, the learned

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counsel for the applicant could not produce any proof to that effect.

(iii) The learned counsel for the applicant submits that there are two punishments awarded to him i.e, (a) treating the period of absence as suspension and (b) reduction in pay by one stage for a period of four years *which is against mls*.

We do not consider that there are two punishments in this connection. The disciplinary authority while disposing of the case has to decide how to treat the period of absence, whether it is suspension or as duty. He decided as suspension. Hence that cannot be considered as a punishment. Hence this contention also fails.

5. In view of what is stated above, we find no merit in this OA. Hence the OA is dismissed. No order as to costs.

[Signature]
(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

[Signature]
(R.RANGARAJAN)
MEMBER (ADMN.)

29.1.98

DATED: 29th January, 1998
Dictated in the open court.

[Signature]
D.R

DA.706/95

Copy to:-

1. The Director, Defence Electronics Research Laboratory, Govt. of India, Ministry of Defence, Research & Development Organisation, Chandrayanagutta Lines, Hyderabad.
2. The Secretary, Ministry of Defence, Research & Development Organisation, New Delhi.
3. One copy to Mr. V.Venkata Ramana, Advocate, CAT., Hyd.
4. One copy to Mr. K.Bhaskar Rao, Addl.CGSC., CAT., Hyd.
5. One copy to Mr. BSJP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 29/1/98

~~ORDER/JUDGMENT~~

~~M.A./R.A/C.A. NO.~~

in

B.A. NO. 706/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वैद्युत / DESPATCH
- 9 FEB 1998
HYDERABAD BENCH