

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.80/95

DATE OF ORDER : 21-10-1997.

Between :-

Boddu Ramunaidu

... Applicant

And .

1. General Manager, Naval Armament Depot,
Visakhapatnam-1.
2. Chief Staff Officer (Naval),
Poovanausana Kaman, Nausana base,
Visakhapatnam.
3. Flag Officer Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Visakhapatnam.

... Respondents

Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.R.Devaraj, CGSC

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri Durga Rao for Sri P.B.Vijay Kumar, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. The applicant in this OA while working as Rigger (skilled) was served with a memorandum of charge-sheet bearing No.VAE1111/C/Major, BRN dt.17-12-90 (Annexure-1 to the OA) for the following charges :-

Article-1 : That the said Shri B.Ramu Naidu, Rigger (skilled) of Naval Armament Depot, Visakhapatnam had submitted a false/forged scheduled tribe community certificate at the time of recruitment to the post of Unskilled Labourer and secured employment on 21 Jul 77 against a vacancy reserved for Scheduled Tribe.

Article-2 : That the said Shri B.Ramu Naidu while seeking employment as Unskilled Labourer in Naval Armament Depot, Visakhapatnam during the year 1977 had furnished the false information at Sl.No. 9 (b) of the attestation form dated 01 Nov 76 to claim that he belongs to Scheduled Tribe, whereas the individual is originally of some other caste.

An enquiry was conducted and the Respondent No.2 set aside the enquiry with the following observations :-

7. The proceedings/report are cancelled without prejudice to further action being taken/to be taken against the said Shri B.Ramu Naidu, Gun Repair Labourer, Naval Armament Depot, Visakhapatnam on the charges framed against him vide Charge Memorandum VAE/1111/C Major/BRN dt.17 Dec 90.

It is stated that the de-novo enquiry is being initiated in this connection. This OA is filed for setting aside the impugned proceedings No.CE/9102/82 dt.4-2-94.

3. By order dt.20-1-95 the impugned order dt.4-2-94 of the respondent

- 3 -

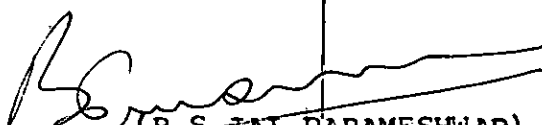
No.2 was suspended. It is alleged in the application that the Disciplinary Authority either to pass an order on the basis of evidence contained in the enquiry file and ^{or} if he felt that the enquiry suffered from some defects, which are to be rectified, he may remit the same for further enquiry. Reliance has been placed by the applicant on the ruling of the Supreme Court in the case of K.R.Dev Vs. Collector, Central Excise, reported in AIR 1971 SC 1447.

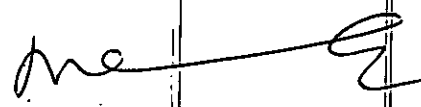
4. The applicant submits that this OA is covered by the direction given in OA 1134/94 (L.Arjun Rao Vs. General Manager, Naval Armament Depot, Visakhapatnam-1 & 2 others) decided on 27-1-95 on the file of this Bench. The respondents in their reply at para-4 submit that they will be happy if similar direction is given in this OA as was given in OA 1134/94 and the OA is disposed of accordingly.

5. The learned counsel for the applicant submits that he has no objection ~~to~~ if order similar to OA 1134/94 is passed in this OA. In view of the above submission, we feel it appropriate to pass directions similar to OA 1134/94 and direct as follows :-

The impugned order dt.4-2-94 (Annexure-1 to OA) passed by Respondent No.2 is set aside. The competent authority is directed to take further steps in conformity with provisions of Rule-15 of CCS(CCA) Rules on the Enquiry Report and in case if ~~find~~ ^{and} found that it is necessary to record further evidence to issue such a direction, ^{and} shall remit the case to the Enquiry Officer with such specific direction.

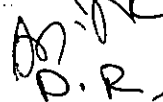
6. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)

Dated: 21st October, 1997.
Dictated in Open Court.

avl/


D.R.

OA.80/95

1. The General Manager, Naval Armament Depot, Visakhapatnam.
2. The Chief Staff Officer (P & A), Mukhyalaya, Poorvaneusana Kaman, Nausana Base, Visakhapatnam.
3. The Flag Officer, Commanding-in-Chief, Headquarters, Eastern Naval Command, Visakhapatnam.
4. One copy to Mr. P.B. Vijaya Kumar, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr.CGSC., Advocate, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

2/11/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

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

Dated: 24-10-97

ORDER/JUDGMENT

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

O.A. NO. 80/95 in

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions ✓

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

