

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD

O.A.No.822 OF 1995.

Date of Order:12-3-1998.

Between:

J.Gouri Shankar.

.. Applicant

a n d

The General Manager,
Ordnance Factory Project,
Yeddumailaram,
Medak District-502 205.

.. Respondent

COUNSEL FOR THE APPLICANT :: Mr.V.Jagapathi.

COUNSEL FOR THE RESPONDENTS: Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

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

: O R D E R :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

None for the Applicant. Applicant was also absent when this O.A. was taken up for hearing, and Mr.N.R.Devaraj for the Respondents. We are deciding this O.A. on the basis of the material available on record in accordance with Rule 15(1) of the CAT(Procedure) Rules, 1987.

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2. While the applicant was working as a Lower Division Clerk in Die Shop of the respondent factory was served with a memorandum of charges dated:23-8-1993 alleging that on 13-7-1993 he had threatened one Sri S.Gopal Rao,Chargeman,Grade-II, committed an act unbecoming of a Government Servant and thereby violating the Conduct Rules.

3. A detailed enquiry was conducted into the charges and the Enquiry Officer submitted his report dated:25-9-1993. The Enquiry Officer recorded a finding that the charges levelled against the accused was not proved. However, on going through the records the Disciplinary Authority disagreed with the findings recorded by the Enquiry Officer and gave his reasons for imposing the penalty. Before imposing the penalty, the Disciplinary Authority had issued a Memorandum No.02/00058/Estt, dt:6-3-1995 (Annexure 3 to the OA) calling for the explanation of the applicant. The applicant submitted his representation on 7-4-1995. On the basis of the explanation, the Disciplinary Authority herein issued Orders dated:30-5-1995 by Proceedings No.02/00058/Estt imposing the penalty of withholding an increment, when next due, for a period of One year without cumulative effect on the applicant.

4. The Order passed by the Disciplinary Authority is an appealable one. The applicant before approaching this Tribunal has to necessarily exhaust all the ^{alternate} remedies available to him. The applicant without preferring an appeal against the Order of imposing the penalty has filed this O.A. challenging the said Order dated:30-5-1995.

5. In the counter the respondent has specifically stated that the applicant without exhausting remedy available to him has filed this OA and the same is premature.

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6. Hence, we feel that the applicant should prefer an appeal to the appropriate Appellate Authority against the Order dated:30-5-1995 taking all the contentions available to him including the contentions raised in this O.A. and await the decision of the Appellate Authority.

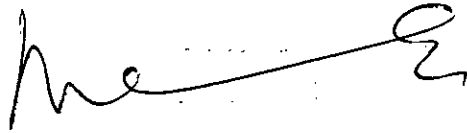
7. In view of the above, the following direction is given:

"The applicant may, if so, advised submit a detailed appeal to the Appellate Authority ^{for} setting aside the Orders of the Disciplinary Authority dated:30-5-1995. He may take all the contentions available to him including the contentions raised in this O.A. If such an appeal is received by that Appellate Authority, then the appeal of the applicant should be disposed of expeditiously preferably within four months from the date of receipt of that appeal without going into the question of limitation."

8. In view of the above, the O.A. is ordered accordingly.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)

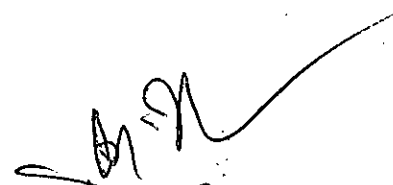
12.3.98


(R. RANGARAJAN)
MEMBER (ADMN)

Dated: this the 12th day of March, 1998

Dictated in the Open Court

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DSN


D.R.

DA.822/95

Copy to:-

1. The General Manager, Ordnance Factory Project, Yeddumailaram, Medak District.
2. One copy to Mr. V.Jagapathi, Advocate, CAT., Hyd.
3. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
4. One copy to BSJP M(J), CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

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27-3/98
TYPED BY
COMPARED BY

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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: 12/3/98

~~ORDER/JUDGMENT~~

~~M.A./B.A/C.A.NO.~~

in

O.A.NO.

822/95

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

YLKP

RECEIVED
27-3-98