

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: 71  
AT HYDERABAD

ORIGINAL-APPLICATION-NO.876-OF-1995

DATE-OF-ORDER:-24th-September,-1997-

BETWEEN:

ANALA MOHAN RAO

.. APPLICANT

AND

1. Government of India represented by the  
Secretary, Ministry of Planning,  
Dept. of Statistics, New Delhi,
2. The Director, Field Operations Division,  
National Sample Survey Organisation,  
New Delhi,
3. The Regional Assistant Director,  
National Sample Survey Organisation,  
(FOD), AP North Region, 293/7,  
AC Guards, Hyderabad 500004,
4. The Superintendent,  
National Sample Survey Orgn.(FOD),  
Nizamabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

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 R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.S.Ramakrishna Rao, learned counsel for the  
applicant and Mr.K.Bhaskar Rao, learned standing counsel for  
the respondents.

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2. The applicant was compulsorily retired from service by the Office Order No.C-14013/2/AMR/AP(N)/93-Vig. dated 15.12.94 (Annexure-III at page 25 to the OA) on the basis of the charge memo dated 13.8.93 and the Inquiry report submitted by the Inquiry Officer on 26.8.94. The applicant had also filed an appeal on 19.1.95.

3. This OA is filed for setting aside the impugned order of the disciplinary authority dated 15.12.94.

4. When the OA was taken up today for hearing, we asked the learned counsel for the applicant in regard to the disposal of his appeal. He submitted that the appeal had already been disposed of by the appellate authority by the order dated 13.7.95. But that was handed over to him only on 12.3.96. Hence he submits that he had not challenged the appellate order in this OA. When we asked him the reasons for not amending the prayer when he received the appellate order, the applicant had no reply in this connection. Unless the appellate order is also challenged, the applicant will not get any relief even if the disciplinary order is set-aside. In view of the above, the learned counsel for the applicant submitted that he may be permitted to withdraw this OA and file a fresh OA challenging both the orders of the disciplinary as well as the appellate authority. He further requested that the period from 21.7.95 till today may not be counted for the purpose of limitation in filing the fresh OA.


5. In view of the above submission, the OA is disposed of as withdrawn with liberty to the applicant to file a

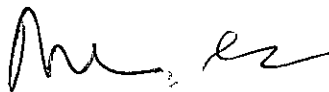
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fresh OA challenging the required impugned orders. If a fresh OA is filed by the applicant challenging the disciplinary order and any other order, the same will be admitted without counting the period from 21.7.95 till today for the purpose of limitation in filing the fresh OA.

6. No order as to costs.

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

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

24.9.97

DATED: - 24th - September, - 1997  
Dictated in the open court.

vsn

  
D.R. (J)

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Copy to :

1. The Secretary, Min. of Planning, Dept. of Statistics, Govt. of India, New Delhi.
2. The Director Field Operations Division, National Sample ~~Ministry~~ Survey Organisation, New Delhi.
3. The Regional Asst. Director, National Sample Survey Organisation, A.P. (FOD), North Region, A.C. Guards, Mahaveer Marg, Hyderabad.
4. The Superintendent, National Sample Organisation, (FOD), Nizamabad.
5. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

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7/10/97 2 drafts  
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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

Dated: 24/9/97

ORDER/JUDGMENT

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

in  
O.A.NO. 876/95

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

