

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

REVIEW APPLICATION NO. 9 OF 1998 -IN O.A. 886/95

DATE OF ORDER : 20-3-1998

BETWEEN :

G. Vasantha Kumar

- Applicant

AND

1. Director Defence Electronics Research
Laboratory, Govt. of India,
Ministry of Defence, Research &
Development Organisation.,
Chandrayanagutta Lines,
Hyderabad.
2. Government of India, Ministry of Defence
Research & Development Organisation,
Represented by its Secretary, New Delhi.

- Respondents

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COUNSEL FOR THE APPLICANT : MR K. VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS : MR V. BHIMANNA

CORAM :

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

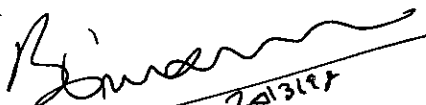
THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (J)

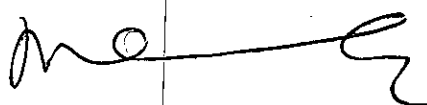
(ORDER PER HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.))

The Applicant in this OA has filed this RA praying for review of the judgement of this Tribunal in OA No. 886/95 dated 7-1-1998. The main point brought out in the RA is that the Director is not the competent authority for inflicting the punishment and hence the inflicting of the punishment itself is irregular and on that basis the OA has to be allowed, which requires the review of the judgement in the OA.

We have already stated in para 2 of the judgement that the Apex Court had held that the Director is the competent authority. If by a subsequent judgement the Apex Court had held that the Director is not the Disciplinary Authority, then such a judgement should have been pointed out in the OA or atleast at the time of hearing the OA. But unfortunately, in the OA Affidavit, there is no mention of this. Inspite of repeated summons, the Learned Counsel for the Applicant was not present. Hence, even at the time of arguments nobody had brought to notice of this Tribunal in regard to the later judgement which is now pointed out.

Some employees including the applicant
~~The Applicant~~ had challenged the Disciplinary Proceedings in the High Court of Andhra Pradesh challenging the competency of the Director to issue the disciplinary charge-memo. Though the High Court upheld ^{their} ~~his~~ contention, on appeal by the D.L.R.L., the Supreme Court had held that the Director is the competent authority by the judgement referred to in para 2 of the judgement in the OA. If the position stands so, it will not be possible for us to come to the conclusion that this OA needs review. Hence, in view of that the RA is rejected. No costs.



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


(R. RANGARAJAN)
MEMBER (A)

Dated : this the 20th March, 1998

Dictated in open court

...js



RA.9/98 in DA.886/95

Copy to:-

1. G.Vasantha Kumar, S/o G.Dharma Rao, Tradesman 'C' Mechanical Engg., Division, DLRL., Ministry of Defence, Chandrayangutta Lines, Hyderabad.
2. The Director, Defence Electronics Research Laboratory, Ministry of Defence, Research & Development Orgn., Chandrayanagutta Lines, Hyderabad.
3. The Secretary, Govt. of India, Ministry of Defence, Research & Development Organisation., New Delhi.
4. One copy to Mr. K.Venkateswara Rao, Advocate., CAT., Hyd.
5. One copy to Mr. V.Bhimanna, Addl. GSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

12/12/98 (7)
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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: 20/3/98

ORDER/JUDGMENT

M.A./R.A/G.A. NO. 9/98

in

D.A. NO. 886/95

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

