

(18)

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

C.A.NO. 1171/95

DATE OF JUDGMENT: 29.9.95

BETWEEN:

K.Suryanarayana

.. Applicant

and

1. Flag Officer Commanding in Chief
Eastern Naval Command, Nousena Bagh
Visakapatnam-530014

2. Chief Staff Officer (P&A)
Eastern Naval Command, HQrs
Visakapatnam

.. Respondents

COUNSEL FOR THE APPLICANT: ..

COUNSEL FOR THE RESPONDENTS: SHRI N.R. DEVRAJ
Sr/Asst. CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

19

O.A.1171/95

Dt.of order:29.9.1995

-2-

ORDER

As per Hon'ble Shri Justice V.Neeladri Rao,Vice Chairman

Heard Shri P.B. Vijayakumar, learned counsel for the applicant and Shri N.R.Devraj, Standing Counsel for the respondents.

2. The applicant was appointed under ST Quota as Unskilled Labourer in Naval Dockyard, Visakapatnam as per the order dated 28.10.1990, on production bearing of a ST Certificate No.SR 26/91 dated 29.1.1991 by the applicant, with the purported signature of the Mandal Revenue Officer, Lakkavarapu Kota in Vizianagaram District, in support of his social status, The applicant was confirmed in the said post with order dated 27.8.92. The applicant was removed from service by order dated 30.8.95 (at Annexure A-1 to the application) wherein it is stated that the District Collector, Vizianagaram declared vide his letter dated 22.2.1994 that no certificate with SR No.26/91 dated 29.1.91 was issued with regard to the applicant as can be seen from the records of the office. The removal of the applicant as per impugned order dated 30.8.95 is challenged in this OA by alleging inter-alia that the removal without giving reasonable opportunity to the applicant, or without ~~her~~ conducting an inquiry is illegal.

3. It is a case where the applicant was confirmed in the post long before the issue of the impugned order. Hence, it is necessary to conduct an inquiry in view of the letter dated 22.2.94 of the District

Copy to

1. Flag Officer, C-in-C, Eastern Naval Command
Nousena Bagh Visakapatnam.
2. Chief Staff Officer, (P&A) Eastern Naval Command
HQrs Visakapatnam
3. Shri P.B. Vijayakumar, Counsel for the applicant
4. Shri N.R.Devraj, Standing Counsel for the Respondents
5. Spare copies
6. one copy to Library, CAT, Hyd.

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Collector, Vizianagaram wherein it is stated that the ST certificate produced by the applicant is a forged one. There is an infirmity in removing the applicant from service without conducting an inquiry. Hence, the impugned order is liable to be set aside, ^{by} giving liberty to the concerned authorities to conduct an inquiry regarding the social status of the applicant.

4. In the circumstances, we feel that the period from the date of removal ^{to} and the date of reinstatement ^{as per} on this order has to be treated as 'dies-non'. It ^{during} means, that the period of dies-non, the applicant is not entitled to any pay and allowances or any amount, and the said period does not count for pensionary ^{benefits} and increments. ^{But it} It will not be treated as break-in service.

5. In the result, the OA is ordered as follows:

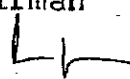
- i) The impugned order dated 30.8.1995 is set aside.
- ii) The applicant has to be reinstated within 14 days from the date of production of a copy ^{of this order} by the applicant and if it is not possible to reinstate ^{him} within ^{the} time, the applicant will be entitled to pay and allowances from the date following the date of expiry of 14 days, from the date of production of a copy of this order.
- iii) The period from the date of removal to date ^{of production of a copy of this order or the 14 days from the date of production of a copy of this order} (whichever is earlier) has to be treated as dies-non.

6. OA is ordered accordingly. No costs. //


(R. RANGARAJAN)


(V. NEELADRI RAO)
Vice-Chairman

Dated: 29th Sept., 1995


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TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD:

THE HON'BLE MR. JUSTICE V. NEELADRI AND
VICE-CHAIRMAN

and

THE HON'BLE MR. R. RANGARAJAN : M(ADMN)

DATED:- 29-9-1995.

ORDER/JUDGMENT.

M.A./R.A/C.A.No.

in

O.A.No. 1171/95

T.A.No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

pvm.

No spare copy

Central Administrative Tribunal
DESPATCH
12 OCT 1995 NSY
HYDERABAD BENCH