

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.227 of 1995

DATE OF JUDGEMENT: 21st October, 1997

BETWEEN:

M.GNANESHWAR

.. APPLICANT

AND

1. Union of India represented by its
Secretary, Ministry of Defence,
New Delhi,
2. The Scientific Adviser to the Minister of
Defence & Director General,
Research & Development,
Directorate of Personnel,
Ministry of Defence, DHQ PO,
New Delhi 110011,
3. The Director,
Defence Electronics Laboratory,
Chandrayangutta Lines,
Hyderabad 500005.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.K.SUDHAKAR REDDY

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.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 B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

None for the applicant. The applicant was not
present when the OA was taken up for hearing. Heard
Mr.N.R.Devaraj, learned standing counsel for the

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respondents. This OA is disposed of in accordance with Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

Defence Electronics Research Laboratory, Hyderabad on 1.9.69 and he was promoted as Turner with effect from 16.7.73. A memorandum of charges dated 5.7.76 was issued had submitted false claim for reimbursement of medical expenses. The applicant was placed under suspension from 7.8.76 till 10.11.81. After inquiry the applicant was imposed punishment of removal from service with effect from 10.11.81.

3. The applicant challenged the said punishment before the Hon'ble High Court of Andhra Pradesh in Writ Petition No.12311/83. The said Writ Petition was transferred to this Tribunal and renumbered as T.A.No.85/87.

4. This Tribunal allowed the T.A.No.85/87 and set-aside the punishment of removal of the applicant from service and ordered the punishment of withholding of 2 increments. After seeking clarifications from this Tribunal, the respondents passed the order dated 29.3.94 (Page 8 to the OA) imposing the punishment of withholding of two increments with cumulative effect accruing subsequent to the date of issue of the said order and also for recovery of Rs.1,460=15 in 12 equal instalments from the salary payable for January 1994^{and -} onwards. While

imposing the said punishment, the disciplinary authority further stated that the period of suspension from 7.8.76 to 10.11.81 does not count for seniority or increments and it counts only for pension and terminal benefits.

5. Being aggrieved with the said observations in the order of punishment, the applicant has filed this OA praying to quash the Paragraphs 6 and 8 of the order in not counting the period of suspension from 7.8.76 to 10.11.81 for the purpose of increments, seniority and pay and allowances and stoppage of two increments with cumulative effect as illegal and arbitrary.

6. The respondents have filed reply stating that they have imposed the punishment after examining the judgement

5 and 8 of the impugned order, the same was considered by the disciplinary authority in accordance with the CCS (CCA) Rules. Thus they submit that there are no merits in the OA and the OA is liable to be dismissed.

7. The disciplinary authority has formed the opinion 10.11.81 for the purpose of increments, seniority and pay and allowances.

8. Against the said punishment, the applicant submitted a representation on 10.6.94 but that was considered by the Senior Administrative Officer Grade-I for Director and a reply was sent as per the letter dated 23.6.94 (Page 10 to the OA).

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9. If the applicant felt aggrieved by the observations made by the disciplinary authority in paragraphs 6 and 8 of the impugned order, he should have preferred an appeal to the appropriate Appellate Authority. His representation dated 10.6.94 cannot be regarded as an appeal. Without availing the statutory remedy the applicant has approached this Tribunal.

10. Hence without going into the merits of the contentions raised by the applicant in the order, the applicant, if so advised, to submit a detailed appeal from the date of receipt of a copy of this order. If such the appellate authority shall decide the same on merits

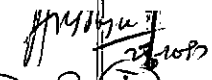
No order as to costs.


(B.S.JAI PARAMESHWAR)


(R.RANGARAJAN)

9)
DATED: 21st October, 1997

vsn


D.R.(S)

OA.227/95.

copy to :-

1. The Secretary, Ministry of Defence, New Delhi.
2. The Scientific Adviser to the Minister of Defence & Director General, Research & Development, Directorate of Personnel, Ministry of Defence, DHQ PO, New Delhi.
3. The Director, Defence Electronics Laboratory, Chandraynagutta Lines, Hyderabad.
4. One copy to Mr. K.Sudhakar Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to HBSJP M(J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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7/11/97
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: 21/10/97

ORDER/JUDGMENT

M.A/R.A/C.A. NO. 227/95

D.A. NO. 227/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

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II Court

