

(43)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

OA.No.8/95.

Date of order:14.8.95.

Between:-

Vegi Jayarama Sanyasi Naidu ... Applicant.

And

1. The Commandant, Jammu & Kashmir Centre,
J & K House, 10 Chakra Marg,
Jabalpur, M.P.
2. The Chief of the Army Staff,
Army Head Quarters, South Block,
New Delhi.

... Respondents.

Counsel for the Applicant: Mr.M.Kesava Rao, Advocate.

CORAM:

HON'BLE MR.JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER ADMINISTRATIVE.

(114)

O.A.NO.8/95.

JUDGMENT.

Dt: 14.8.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri M.Kesava Rao, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. This OA was filed under Section 19 of the Administrative Tribunals Act praying for quashing the orders Serial No.108605 dated 3.2.1990 and No.Disch/13753996/NE/35, dated 9.5.1991 of R-1 by holding the same as arbitrary, illegal and contrary to the rules and in violation of principles of natural justice and for consequential direction to the respondents to reinstate the applicant as Rect. Cook with all consequential benefits.

3. The Discharge Order No.Disch/13753996/NE/35, dated 9.5.1991 (vide Annexure-XII) discloses that the said discharge was ordered under Para-2 of Army Headquarters letter No.87003/Org 5 (RTC), dated 12.7.1961 read in conjunction with Rule 13(3) table III (IV) of Army Rule 1954. The service number of the applicant in the Army is given as 13753996 (vide Para 6(a) of the OA.)

4. If the applicant was appointed as civilian in the Army, then the Administrative Tribunals Act is applicable. Though it was not pleaded in the OA that the applicant was appointed as civilian in the

contd.

Copy to:-

1. The Commandant, Jammu & Kashmir Centre,
J & K House, 10 Chakra Marg,
Tahalga M D
2. The Chief of the Army Staff, Army
Head Quarters, South Block, New Delhi.
3. One copy to Mr. M. Kesava Rao, Advocate, 5-59/1,
Bhavaninagar, Dilsukhnagar, Hyderabad-36.
4. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC.
CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

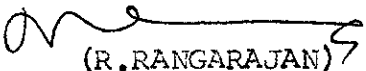
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Army, the learned counsel for the applicant submitted that he was appointed as civilian in the Army. But Shri N.V.Raghava Reddy, learned standing counsel for the respondents submitted that he was instructed to state that the appointment of the applicant was not as civilian and hence the action was taken under Army Rules.

5. When the applicant had not even pleaded that he was appointed as civilian in the Army, there is no need to direct the respondents to file reply statement in regard to the same.

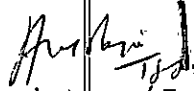
6. As the action against the applicant was taken under the Army Rules, and as it was not even pleaded that the applicant is civilian in the Army, this OA has to be returned for presentation in a proper court.

7. The OA is accordingly dismissed by giving liberty to the applicant to move proper forum if he is so advised. No costs.//


(R.RANGARAJAN)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 14th August, 1995.
Open court dictation.


Dy.Registrar(Judl)

07. NO. 8/95

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

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

DATED 14-8-1995.

ORDER/JUDGMENT:

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

OA.No.

TA.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.

No Spare Copy

