

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD.

OP.No.7/96. in  
OA.1421/95.

Date of order:2-2-96.

Between:

Mohd.Sujjath All ... Applicant.

And  
Mr.G.L.Gopalakrishna,  
The Regional Director,E.S.I.Corporation,  
Regional Office,D.No.5-9-23, Hill Fort,  
Adarshnagar,Hyderabad.

... Respondents.

Counsel for the Applicant: Mr.D.P.Kali, Advocate

Counsel for the Respondents:Mr.N.R.Deva Raj,Sr.CGSC.

CORAM:

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

HON'BLE SHRI R.RANGARAJAN,MEMBER (ADMINISTRATIVE) 1

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C.P.No.7/96  
in  
O.A.NO.1421/95

ORDERS

Dt: 2.2.96

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

Heard Shri D.P.Kali, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondent.

2. The applicant in the OA filed this CP by alleging that the order dated 27.11.95 in the OA is not complied with.

3. To appreciate the contentions for the applicant, it will be convenient to read the operative portion of the order dated 27.11.95 in OA 1421/95 which is as under:

"The applicant if so advised, may submit a fresh representation to the respondent by sending it by 'Registered Post Acknowledgement Due', and the respondents should dispose the same in accordance with the rules by passing appropriate orders and communicate the same to the applicant by 'Registered Post acknowledgement Due'. If ultimately the applicant is going to be aggrieved by the order passed by the respondents on his representation, he is not debarred from moving this Tribunal under Section 19 of the AT Act."

4. It is conceded for the applicant that the concerned authority disposed of the representation of the applicant as directed in the order dated 27.11.95 referred to hereinbefore. But the contention for the applicant is that

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the order that was passed in pursuance of the representation is not in accordance with law and hence that order cannot be treated as an appropriate order.

5. But whenever an order has to be passed by competent authority, the said authority will pass it as per his perception of the rules, instructions and statutory provisions, if any. But merely because the ultimate order is against the applicant in the OA, it cannot be stated that the concerned authority consciously disregarded various rules/instructions/statutory provisions. In fact, even in the order dated 27.11.95, this Tribunal observed that if ultimately the order to be passed is against the applicant, he is free to challenge it, but by filing an application under Section 19 of the A.T.Act.

6. Hence we feel that there are no grounds for entertaining this CP and accordingly it has to be dismissed.

7. In the result, this CP is dismissed. But this order does not debar the applicant from moving this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, if he is so advised as already observed in the order dated 27.11.95 in the OA.//

(R.RANGARAJAN)  
MEMBER (ADMN.)

(V.NEELADRI RAO)  
VICE CHAIRMAN

DATED: 2nd February, 1996.  
Open court dictation.

Dy.Registrar(Judl)

vsn

Copy to:-

- 1. Mr.G.L.Gopalakrishna,  
The Regional Director, E.S.I.Corporation,  
Regional Office, D.No.5-9-23, Hill Fort,  
Adarshnagar, Hyderabad.

CP. 7/96 in  
OA. 142/95

I COURT

26/2/96

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 2-2-1996

~~ORDER/JUDGMENT~~

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

7/96

in

O.A.No.

142/95

~~T.A.No.~~

(w.p.No.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

CP Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/rejected.

No order as to costs.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दुबई/DESPATCH  
23 FEB 1996  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH