

119

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.19/95

dt.20-10-97

Between

D.P. Manohar Lal

: Applicant

and

1. Director Genl. EME (Civil)
Army Headquarters, DHQ PO
New Delhi 110011

2. The Commandant
1 EME Centre, Secunderabad-587

3. The OIC, EME Records
Secunderabad 500021

4. Sri Shoukat Ali, LDC
EME Records
Secunderabad 500021

: Respondents

Counsel for the applicant

: V. Venkateswara Rao
Advocate

Counsel for the respondents

: V. Rajeswara Rao
CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

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OA.19/95

120
dt.20-10-97

Judgement

Oral order (see page 2)

Heard Sri V. Venkateswara Rao for the applicant and Sri V. Rajeswara Rao for the respondents.

1. The applicant in this OA while working as Group-D was selected for the post of LDC and was posted outside Secunderabad. He submitted a representation on 17-5-1993 requesting for his posting as LDC in any of the units in Secunderabad as his wife ^{was} ~~is~~ also working as Group-D employee in 1-EME Centre, Secunderabad. No decision was taken in this connection for his posting. In the mean-while the applicant submits that he was issued with major penalty charge sheet for certain omissions and commissions. Because of the pending chargesheet he was not considered for posting as LDC. It is stated that the applicant was removed from service on the finalisation of the chargesheet and possibly his appointment order was cancelled.
2. This OA is filed for setting aside the impugned letter No.3482/62/CA-3 dated 9-10-93 (Annexure XIII to the OA) whereby the offer of appointment of his LDC was cancelled and the letter No.21207/Est/DPM/Civ dated 7-11-94 (Annexure XV) whereby his Legal notice in connection with his cancellation was informed to him and for a consequential declaration that his entitlement for appointment and posting as LDC in any of the units in Secunderabad under the jurisdiction of R-2 and R-3 with effect from 17-9-1993 on which date R-4 is appointed as LDC with all consequential benefits such as seniority, arrears of pay and allowances etc.

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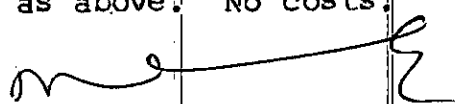
(120)

3. The applicant has filed OA.282 of 1997

applicant submits that so far as the removal order is in force he cannot be given pay and allowances. Hence he submitted that he is withdrawing the OA till the OA.282/97 is disposed of and file a fresh OA for the prayer in this OA after disposal of the above referred OA. Learned counsel for the respondents has no objection to the above course of action.

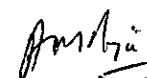
4. In view of the above, the OA is dismissed as withdrawn subject to the liberty being given to the applicant for filing a fresh OA, indicated by him as above. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)


(H. Rangarajan)
Member (Admn.)

20.10.97

Dated : October 20, 97
Dictated in Open Court


D.R.G.

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OA.19/95

Copy to:-

1. The Director General, EME (Civil) Army Headquarters, DHQ PO, New Delhi.
2. The Commandant 1 EME Centre, Secunderabad.
3. The OIC, EME Records, Secunderabad.
4. One copy to Mr. V.Venkateswara Rao, Advocate, CAT., Hyd.
5. One copy to Mr. V.Rajeswara Rao, Addl.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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7/11/97
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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: 20/10/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in
O.A.NO. 19/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

विवरण/DESPATCH

- 3 NOV 1997

हैदराबाद ब्याचपीठ
HYDERABAD BENCH