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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH.
AT HYDERABAD

O.A.NO.201/95.

Date of Judgment: 22.2.95

BETWEEN:

SHRI MADANLAL ..

Applicant

AND

1. Government of India
represented by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. Union Public Service Commission,
represented by its Secretary,
New Delhi.
3. Government of Andhra Pradesh,
represented by its Chief Secretary,
Secretariat,
Hyderabad.
4. D.G.&I.G. of Police (Director General &
Inspector General of Police),
Andhra Pradesh,
Hyderabad.

COUNSEL FOR THE APPLICANT: SHRI M.SURENDER RAO

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ, SC for
R-1 and R-2.

SHRI I.V.RADHAKRISHNA MURTHY,
SC for R-3 and R-4.

CORAM:

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

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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OA 201/95.

JUDGMENT

Dt:22.2.95

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

Heard Shri M.Surender Rao, learned counsel for the applicant, Shri N.R.Devaraj, learned standing counsel for R-1 and R-2 and Shri I.V.Radhakrishna Murthy, learned special counsel for R-1 and R-2.

2. The applicant is now working as SP, CID, Hyderabad. The charge framed by G.O.Ms.No.2175, dated 13.5.1991 was communicated to the applicant. It is stated that the inquiry report on the basis of the inquiry in pursuance of the above charge memo was already submitted to the disciplinary authority and the latter issued the show cause notice to the applicant by enclosing the report of the Inquiry Officer and the applicant submitted his explanation in regard to the same on 5.7.1994. The grievance of the applicant is that thereafter, no steps were taken in the said inquiry and thereby prejudice is caused to him.

3. Another charge framed ^{as per} ~~by~~ G.O.Rt.No.3625, dated 10.6.1994 was communicated to the applicant. It is stated for the applicant that the said charge memo was issued under Rule 16 of CCS (CCA) Rules and he already submitted his explanation and the matter has to be disposed of on the basis of the record and his explanation. Even then there was no progress in the

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proceedings also. As the applicant completed 14 years of service, he is eligible for consideration for promotion to the post of DIG and the pendency of the above disciplinary proceedings comes in his way for consideration for promotion.

4. This OA was filed praying for declaration that the action of R-3 in not taking a final decision in disciplinary matters initiated against the applicant as per the charge memos dated 13.5.1991 and 10.6.94 is arbitrary and discriminatory and violative of Articles 14 and 16 of the Constitution of India and non consideration of the applicant's case for promotion to the next higher post while considering the cases of other eligible officers earlier is illegal and arbitrary.

5. In the circumstances referred to, it is just and proper to pass the following order:-

R-3 has to take a final decision in regard to the inquiry held in pursuance of the charge memo dated 13.5.1991, and in regard to the charge memo dated 10.6.1994 expeditiously and preferably by the end of March, 1995. If later the matters have to be referred to UPSC by R-2, then R-2 has to dispose of the same expeditiously and preferably within one month from the date of receipt of the same from R-3. If thereafter

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the matters have to be referred to R-I, the same have to be disposed of expeditiously and preferably within two months from the date of receipt of the same

6. The OA is ordered accordingly at the admission stage. No costs./

(R. RANGARAJAN)
MEMBER (ADMN.)

(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 22nd February, 1995.
Open court dictation.

Deputy Registrar (J) CC

vsn

To

1. The Secretary, Govt. of India,
Ministry of Home Affairs, New Delhi.
2. The Secretary, U.P.S.C. Dholpur House, New Delhi.
3. The Chief Secretary, Govt. of A.P. Secretariat, Hyderabad.
4. The Director General & Inspector General of Police,
Andhra Pradesh, Hyderabad.
5. One copy to Mr. M. Surender Rao, Advocate, 17-419, Kamalanagar,
Dilsukhnagar, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Mr. I. V. Radhakrishna Murthy, Spl. Counsel for A.P. Govt.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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with a
copy of OA.
3 (6) copies

Noted
23/2/95

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

DATED: 22-2-1994

ORDER/JUDGMENTN:

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

in

O.A.No.

201/95

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

