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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.1381 of 1996

DATE OF ORDER: 2nd SEPTEMBER, 1998

BETWEEN:

U.MAN MOHAN

.. APPLICANT

and

The Director, Defence Research  
Development Laboratory (DRDL),  
Chandrayangutta,  
Hyderabad.

.. RESPONDENT

COUNSEL FOR THE APPLICANT: Mr.S.LAXMA REDDY

COUNSEL FOR THE RESPONDENT: Mr.V.VINOD KUMAR, ADDL.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 R.RANGARAJAN, MEMBER (ADMN.)

Heard Mr.S.Laxma Reddy, learned counsel for the applicant and Mr.Vinod Kumar, learned standing counsel for the respondents.

2. The applicant was served with a memorandum of charges dated 19.10.77 (Annexure II at page 11 to the OA). However, though the applicant was removed from service, the same was contested on the ground that the disciplinary authority is not competent to issue the removal order which was upheld by the High Court of Andhra Pradesh. Against that order of High Court of A.P., the respondents' organisation filed an SLP in the Supreme Court which had

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held that the correct disciplinary authority had passed the removal order and directed to dispose of the writ petition in accordance with law. However, by that time as the Tribunal had formed, that writ petition was transferred to this Tribunal and registered as T.A.No.27/91. That TA was disposed of by the order dated 5.10.93. The relevant direction given in that TA has been extracted in para 4 of the reply. Against the order of this Tribunal in TA 27/91, the applicant herein had filed SLP in the Apex Court. That SLP was disposed of by the order dated 26.2.96 (Annexure VIII at page 28 to the OA). That order reads as below:-

"The Special Leave Petitions are dismissed. In the event that the petitioners are, in any way, aggrieved by the order passed by the Management consequent upon the impugned order, it shall be open to the petitioners to challenge the same."

Thereafter, the respondents passed the order on the directions given in TA 27/91 by the order No.DRDL/638/UMM/LB dated 29.12.93 (Annexure VI at page 24 to the OA).

3. This OA is filed to set aside the impugned order dated 29.12.93 passed by the respondent to the extent of denying the applicant all the consequential benefits and imposing the penalty of Censure as illegal and without jurisdiction and to pay all the consequential benefits including arrears of pay, seniority, promotion etc.

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4. This OA was discussed at length. The learned counsel for the applicant submitted that he may not challenge the penalty of Censure. But the intervening period should be decided in accordance with law by paying him all the arrears etc. The period of suspension has to be treated as duty as he was awarded the penalty of only Censure which is a minor penalty.

5. We have perused the impugned order dated 29.12.93. This order does not indicate the treatment of the period when the applicant was under suspension and also other connected orders. The Apex Court in its order dated 26.2.96 (Annexure VIII at page 28 to the OA) had given liberty to the applicant to challenge the order of the respondents-organisation after it is passed if they are dissatisfied with the order. When the order of the disciplinary authority does not indicate the treatment of the period in question, it has to be held that the order is incomplete. The learned counsel for the respondents submit that the treatment of the period had already been indicated in the judgement in TA No. 27/91 and hence it is not necessary for the respondents to indicate the same once again in the impugned order dated 29.12.93. We do not subscribe to that view. An order of the Tribunal cannot be treated as an order equal to that of the disciplinary authority. This should be treated as observation or it can be treated as guidance to the respondents. The respondent-authorities namely the disciplinary authority should give a complete order indicating the punishment, treatment of the period if the applicant is under suspension and any other eventualities and complete the order with full details in

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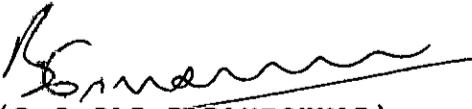
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accordance with the extant departmental rules in this connection. If such an order is not passed, it has to be held that the order of the disciplinary authority is deficient. That view holds good in the case of the impugned order dated 29.12.93. Hence it is premature for the Tribunal to deal with this OA at this juncture when the impugned order dated 29.12.93 itself is incomplete. The Apex Court had clearly stated that the impugned order can be challenged by the applicants if they are dissatisfied with the impugned orders of the respondent-authorities. When the impugned order is incomplete one, as stated earlier, it will not be possible for the Tribunal to consider that impugned order and pass orders as deemed fit.

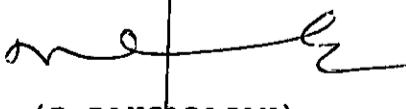
6. In view of what is stated above, we are of the opinion that a direction has to be given to the respondent-authorities namely the disciplinary authority herein to pass a detailed order in accordance with the departmental rules and also taking note of the order of this Tribunal in TA 27/91 indicating the treatment of the period in question.

7. The applicants are at liberty to challenge that order if they are aggrieved by that order.

8. With the above direction, the OA is disposed of. Time for compliance is three months from the date of receipt of a copy of this order. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
MEMBER (JUDL.)

2/9/98

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

DATED: 2nd September, 1998  
Dictated in the open Court

04.1381 & 1382/98

Copy to:-

1. The Director, Defence Research Development Laboratory (DRDL),  
Chandrayanagutta, Hyderabad.
2. One copy to Mr. S. Laxma Reddy, Advocate, CAT., Hyd.
3. One copy to Mr. <sup>Vinod Kumar</sup> ~~V. S. Jagannath Rao~~, Addl. CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

SRR

8/9/98

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II COURT

TYED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B. S. JAI PARAMESWAR  
M(J)

DATED: 2/9/98

ORDER/JUDGMENT

M.A/R.A/C.P.HB

ADMITTED AND  
ISSUED

ALLOWED

DISPENSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR



-7 SEP 1998

हैदराबाद आवादीट  
HYDERABAD BENCH