

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1276/96

Date of Order: 4.11.96.

BETWEEN :

A.Visweswara Rao

.. Applicant.

AND

Chief Executive,
Nuclear Fuel Complex,
Dept. of Atomic Energy,
ECIL, (Post),
Hyderabad.

.. Respondent.

Counsel for the Applicant

.. Mr.P.Guru Murthy

Counsel for the Respondent

.. Mr.V.Rajeswara Rao

CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

Heard Mr.P.Gurumurthy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondent.

2. The applicant was issued with two charge sheets for unauthorised absence for the period from 2.12.94 to 25.2.95 (memo No.NFC/PA.IX/1(01)/2210/112 dated 3.4.95 (A-11)) and from 22.4.95 to 17.5.95 (memo No.NFC/PA.IX/1(01)/2210/295, dated 27.7.95 (A-10)). An enquiry was conducted in regard to both the memorandum of the charges. The applicant was reduced from Tradesman 'D' to Tradesman 'E' by order No. NFC/PA.IX/1(01)/2210/546 dated 2.2.96 by Deputy Chief


.. 2 ..

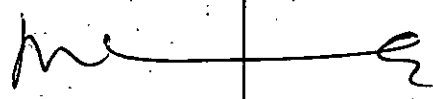
Executive (A) who is the disciplinary authority. However, R-1 under the powers vested to him in terms of Rule 25 of CCS (CCA) Rules enhanced the penalty from reduction to the lower rank to that of compulsory retirement from Government service with immediate effect by memo No.NFC/PA.IX/1(01)/2210/677 dated 30.9.96 (A-1), ~~After~~ giving him due notice before enhancing ~~the~~ ^{his} penalty. The applicant has not exhausted alternate channel available to him for redressal of his grievance by appealing to the next higher authority *higher than R-1*

3. This OA is filed challenging the compulsory retirement order dated 30.9.96 (A-1) and for a consequential direction to reinstate him back in service with all other attendant benefits.

4. The applicant has not exhausted all the remedies available to him before approaching this Tribunal as per C.A.T. Procedural rules. In view of this the applicant should approach the appellate authority higher than R-1 and submit all the contentions available to him for the prayer made in this OA. If such a representation is received, the appellate authority ^{shall} ~~will~~ consider his representation in accordance with the rules and dispose of the same expeditiously. The applicant should submit ^{his appeal} ~~a representation~~ ^{in appeal} ~~representation~~ within 2 weeks from today.

5. In view of what is stated above the OA is disposed of *as above* with no costs.



(B.S.JAI PARAMESWAR)
Member (Judl.)


(R.RANGARAJAN)
Member (Adm.)

Dated: 4th November, 1996

(Dictated in Open Court)

sd


12/11/96
D.R. (S)

O.A.NO.1276/96

Copy to:

1. The Chief Executive,
Nuclear Fuel Complex,
Dept. of Atomic Energy,
ECIL(Post)
Hyderabad.
2. One copy to Mr.P.Guru Murthy, Advocate,
CAT,Hyderabad.
3. One copy to Mr.W.Rajeswar Rao, Addl.CGSC,
CAT,Hyderabad.
4. One copy to Library,CAT,Hyderabad.
5. One duplicate copy.

YLKR

Q 11/96

49

Typing

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 4/11/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A.NO. 1276/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दिल्ली/DESPATCH
18 NOV 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH