

(17) (3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO.306/96

Date of Order: 15-3-96

Between:

L.Arjuna Rao

.. Applicant

and

1. General Manager, Naval Armament Depot,
Visakhapatnam-1
2. Chief Staff Officer, (P&A) Mukhyalaya
Poorvnausena Kaman, Nausana Base,
Visakhapatnam.
3. Flag Officer, Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Visakhapatnam.
4. Chief Staff Officer, (P&A) Headquarters,
Eastern Naval Command, Visakhapatnam.
5. G.S.Naidu, DGM(HRD) Enquiry Authority,
Visakhapatnam.

Respondents.

For the Applicant :- Mr. P.B.Vijayakumar, Advocate.

For the Respondents: Mr. V.Bheemanna,
Sxx./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI VICE-CHAIRMAN
THE HON'BLE MR.H.RAJENDRA PRASAD MEMBER(ADMN)

(AS PER HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN)

Perused the OA. Counsel for the applicant is not present. Heard Shri V.Bhimanna, learned Standing Counsel for Respondents.

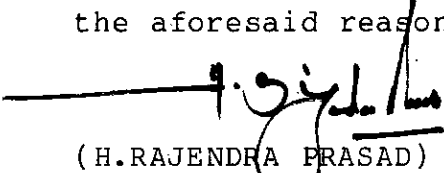
2. We find no merit in this application. The applicant who was working as LDC under the 1st respondent was served with Memo of charges dt.31.8.90. Proceedings in the inquiry thereafter were subject matter of challenge in earlier OA (No.1134/94) filed by the applicant. By order dt.27.1.95 in that OA, following direction was made:


"The competent authority is directed to take further steps in conformity with the provisions of the Rule 15 of the CCS (CCA) Rules on the enquiry report and in case it finds that it is necessary to record further evidence, to issue a direction and remit the case to the enquiry officer with such specific directions."

3. Pursuant to the aforesaid directions, competent authority of the respondents issued the impugned order dt.7.7.95 directing further inquiry in terms of Rule 15(1) of CCS (CCA) Rules, 1965 specifically directing recording of evidence of the MRO, Chintapalli and allowing cross examination. This impugned order was

Sub

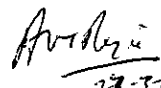
issued in compliance with the order in the previous OA. We are, therefore, unable to see as to how the applicant can challenge the said order by this OA. All legal objections have to be raised before the Inquiry Officer and no interference can be made at this interlocutory stage. OA is clearly filed at interlocutory stage. For the aforesaid reasons, OA is rejected. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

DATED: 15th March, 1996
Open court dictation.

vsn


27-3-96
Dn 07

To

1. The General Manager,
Naval Armament Depot, Visakhapatnam-1.
2. The Chief Staff Officer (P&A) Mukhyalaya
~~XXXXXXXXXX~~ Poornausana ~~XXXXX~~ Kaman,
Nausana Base, Visakhapatnam.
3. The Flag Officer, Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Visakhapatnam.
4. The Chief Staff Officer, (P&A) Headquarters,
Eastern Naval Command, Visakhapatnam.
5. One copy to Mr.G.S.Naidu, DGM(HRD) Enquiry Authority,
Visakhapatnam.
6. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
7. One copy to Mr. V.Bheemanna, Addl.CGSC.CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One sparecopy.

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(1)

10/4/96

I COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M.G. Chaudhary

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

AND

H. Rajendra Prasad

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

Dated: 15-3-1996

ORDER/JUDGMENT

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

in

O.A.No. 306/96

T.A.No. (w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No spare copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वितरण/DESPATCH
4 APR 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

R.A.No. 30/96 in O.A.306/96

Dated: 3.12.96

CORAM

HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN
HON'BLE H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

L. Arjuna Rao,
S/o Gangunaidu,
L.D.C., Naval Armament Depot,
Visakhapatnam-9. ... Applicant

(By Advocate Mr. P.B. Vijaya Kumar)

Versus

1. General Manager,
Naval Armament Depot,
Visakhapatnam-9.
2. Chief Staff Officer (P&A),
Mukhyalaya,
Poornausana Kaman, Nausana Base,
Visakhapatnam.
3. Flag Officer Commanding-in-Chief,
Headquarters,
Eastern Naval Command,
Visakhapatnam.
4. Chief Staff Officer (P&A),
Headquarters, Eastern Naval Command,
Visakhapatnam.
5. G.S.Naidu, DGM (HRD),
Enquiry Authority,
Visakhapatnam. ... Respondents

(By Advocate Mr. V. Bhimanna)

ORDER (By Circulation).

(Per Hon'ble Mr. M. Rajendra Prasad, Member (Admn.))

In OA 1134/94, this Tribunal on 27.1.95 directed the competent authority to take further steps in conformity with the provisions of Rule 15 of CCS (CCA) Rules on the enquiry report in the disciplinary case launched against the applicant on 31.8.90, and to record further evidence, to issue further instructions or to remit the case to the inquiry officer. In compliance with the direction, the competent authority directed further inquiry in terms of Rule 15(1) of CCS (CCA) Rules, 1965, and to record the evidence of MRO., Chintapalli. Aggrieved by this action the applicant filed OA 306/96 which was disposed of

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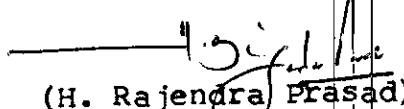
on 15.3.96, with the finding that the OA had been filed at an interlocutory stage, and that all legal objections pertaining to the renewed inquiry against the applicant ought to be raised only before the Inquiry Officer, and not before the Tribunal which could not interfere at any interlocutory stage.

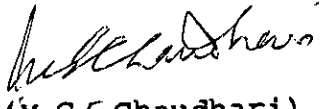
2. The present applicant seeks a review of the order passed on 15.3.96, on the ground that--

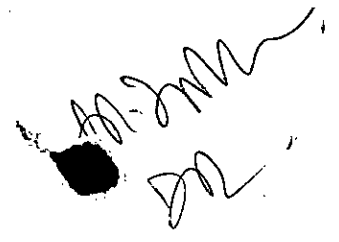
- (i) the renewed inquiry is (a) only to fill up the lacuna in the original inquiry, and cannot therefore be permitted; and (b) ~~is~~ violative of note to Rule 14(15) of CCS (CCA) Rules;
- (ii) it is open to the applicant to approach this Tribunal at any stage of the proceedings on the ground of violation of principles of natural justice;
- (iii) the above aspects could not be placed before this Tribunal on 15.3.96, when the matter came up for hearing. This was due to the indisposition of his counsel on that date; also because no cause-list was received on that day and no alternate arrangements for the appearance by any other counsel could therefore be made.

3. The point at (iii) above does not constitute a sufficient or acceptable ground or reason justifying review. Point (ii) already stands settled by the last part of the direction issued on 15.3.96 while disposing of the OA. Point (i) could well be raised, as already ruled, before the inquiry officer. We are satisfied that the action of the respondents is in compliance with the directions issued earlier in OA 1134/94, and that it is in order as held in OA 306/96, and is not in any way objectionable. No review is justified.

4. R.A. is disallowed.


(H. Rajendra Prasad)
Member (Adm.)


(M.G. Chaudhari)
Vice Chairman



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R.A.30/96

To

1. The General Manager,
Naval Armament Depot,
Visakhapatnam-9.
2. The Chief Staff Officer(P&A)
Mukhyalaya, Poorvnausana Kaman,
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(7)

31/12/96
Bund in return
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I COURT
Bund in return
in Secy on
21/11/97
Bund in return
in Secy on
21/11/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 3 - 12 - 1996

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH
30 DEC 1996
हैदराबाद बेंच
HYDERABAD BENCH