

(60)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD BENCH

ORIGINAL APPLICATION No. 1168 of 1996.
DATE OF DECISION : 07-10-96.

B. Eswara Rao

.. Applicant.

Vs.

1. The General Manager,
Naval Armament Depot,
Visakhapatnam-530 009.
2. The Flag Officer,
Commanding-in-Chief,
Eastern Naval Command,
Naval Base,
Visakhapatnam.

.. Respondents.

Counsel for the Applicant : Mr. P.B.Vijaya Kumar

Counsel for the Respondents : Mr. V.Bhimanna, Addl. CGSC.

CORAM:-

THE Hon'ble SHRI R.RANGARAJAN : MEMBER (ADMN.)

2

ORDER

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

Heard on behalf of Mr.P.B.Vijaya Kumar, learned counsel for the applicant and V.Bhimanna, learned counsel for the respondents.


2. The applicant in this OA while working as Ammunition Repair Labourer in Armament Depot, Visakhapatnam was served with a memo No.VAE/1111/C/Major/BER dated 01-10-91 (Annexure-III) for alleged falsifying the caste status at the time of his recruitment/appointment. The disciplinary authority under the provisions of CCS (CCA) Rules, 1965, ordered an enquiry appointing an enquiry officer and presenting officer as per the order No.VAE/1111/C/BER/II dated 05-12-1991 (Annexure-IV). The enquiry officer submitted his findings vide letter No.VAE/1111/C/BER dated 20-07-96 (Annexure-XVIII).

3. The applicant now submits that the enquiry was not conducted in accordance with law and the principle of natural justice was not followed. Hence, he has filed this OA to set aside the enquiry proceedings No.VAE/1111/C/BER dated 20-07-96 (ANNEXURE-XVIII) on the ground of violation of principle of natural justice and for a consequential order to drop the case. The enquiry has already been conducted and the enquiry proceedings had been submitted. A copy of the enquiry report is also reported to have been given to the applicant. Hence, it is for the applicant to submit his defence statement to the



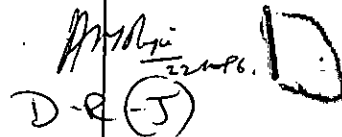
disciplinary authority explaining the various grounds for dropping the charges. If he has a ground that the principle of natural justice has not been followed he should explain clearly in his defence statement in regard to this violation and submit his representation to the disciplinary authority. It is not necessary to interfere in this case at this juncture as it is premature. In view of the above, the OA is liable only to be dismissed as premature. However, the dismissal of this OA will not stand in the way of the applicant to challenge the punishment if any awarded to him by the disciplinary authority and also the decision of the appellate authority in this connection.

4. In the result, the OA is dismissed as premature, but the applicant is free to approach this Tribunal if so advised, if his case is decided against him by the disciplinary and appellate authority. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 07th Oct. 1996.
(Dictated in the Open Court)

spr


D-2 (J)

63

..4..

O.A.NO.1168/96

Copy to:

1. The General Manager,
Naval Armament Depot,
Visakhapatnam.- 530 009.
2. The Flag Officer,
Commanding in Chief,
Eastern Naval Command,
Naval Base, Visakhapatnam.
3. One copy to Mr.P.B.Vijaya Kumar, Advocate,
CAT,Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC,
CAT,Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One duplicate copy.

YLKR

8/10/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 8/10/96

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

in

D.A.NO. 1168/96

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

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेफ़/DESPATCH
30 OCT 1996
हैदराबाद बेंच
HYDERABAD BENCH