

(51)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 120/1996

DATE OF ORDER : 9-6-1998

BETWEEN :

SK. ABDUL RAJAK ... APPLICANT

AND

THE DEPARTMENT OF ATOMIC ENERGY
HEAVY WATER PLANT
GOVERNMENT OF INDIA
MANUGUR

Represented by its

GENERAL MANAGER,
ASWAPURAM, KHAMMAM DISTRICT. ... RESPONDENT

COUNSEL FOR THE APPLICANT - Shri G. Ravi Mohan

COUNSEL FOR THE RESPONDENTS - Shri N.R. Devaraj

CORAM :

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

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (J)

(Order per Shri Hon'ble Shri R. Rangarajan, Member (A))

None for the Applicant. The Applicant was also not present when the OA was taken up for hearing.

Heard Shri W. Satyanarayana for Shri N.R. Devaraj for the Respondents.

The OA is disposed under Rule 15(1) of the CAT (Procedure) Rules, 1987.

The Applicant was appointed as UDC during the year 1988 in the Accounts Section under the Respondent's Organisation. The Applicant proceeded on leave on medical grounds for a period of 90 days w.e.f., 12-2-92. The Applicant did not report for duty after the expiry of leave granted. He was telegraphically directed to

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report for duty. The Applicant sent replies to the telegram and prayed for extension of leave. The Applicant submitted representations dated 15-9-92 and 26-12-92 for extension of leave and also for reimbursement of medical expenses incurred by him. The Applicant was issued a major penalty charge-sheet vide memo dated 30-3-1993 on the charge that he remained absent unauthorisedly without any prior permission or sanction of leave, which shows lack of devotion to duty thereby violating Rule 3(1)(ii) of the C.C.S. (Conduct) Rules. On the basis of the chargesheet the applicant was imposed with a penalty of with-holding of one increment for a period of one year, without cumulative effect w.e.f 1-5-1995 by order No. HWP(M)/ADM(E)/D-032/C-261 dated 6-5-1995 (Annexure A-1, page 7 of the OA). The Applicant submitted an appeal, but it is stated that the appeal is yet to be disposed of.

This OA is filed for setting aside the impugned order dated 6-5-1995 by holding the same as illegal, arbitrary and consequently for a direction to the Respondents to pay him the full salary without stoppage of increment.

It is stated in para 5.4 of the reply statement that the Applicant submitted an appeal dated nil, which was received only on 25-10-1995. The appeal could not be processed further as under the provisions of Sub-section (4) of Section 19 of the A.T. Act 1985, whereby once an application has been admitted by a Tribunal under Section 19(3) of proceedings under the relevant service rules as to redressal of grievances in relation to the subject matter of the OA pending immediately before such admission, shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rule. This OA was filed on 22-1-96. Hence, as the appeal which was received

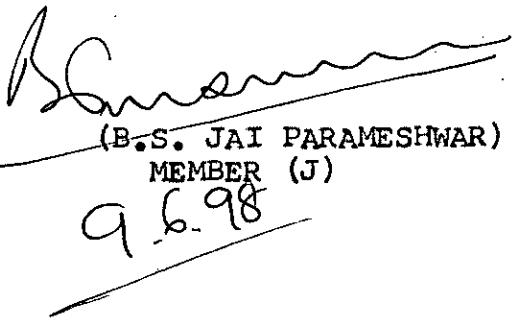
Re: D

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on 25-10-1995 was not disposed of by them, the appellate authority submitted that the appeal cannot be disposed of till the disposal of the OA by this Tribunal.

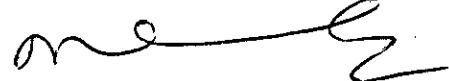
In view of the fact that his appeal is pending, we feel it preferable ^{to direct} that the appellate authority take a judicious decision in this connection, on the basis of the contentions made in the appeal and pass a reasonable order expeditiously. The appellate authority will not take note of the ^{Question of} limitations, if any, in filing the appeal by the Applicant.

In the result, the OA is disposed of. No costs.


(B.S. JAI PARAMESHWAR)

MEMBER (J)

9.6.98

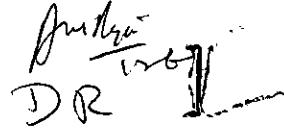

(R. RANGARAJAN)

MEMBER (A)

DICTATED IN OPEN COURT

DATED : (9-6-1998)

...js/-


DR

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Copy to:

1. The General Manager, Heavy Water Plant,
Dept. of Atomic Energy, Aswapuram, Manuguru,
Khammam District.
2. One copy to Mr. G. Ravi Mohan, Advocate, CAT, Hyderabad.
3. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One duplicate copy.

YLKR

23/6/98

II COURT

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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 PARAMESHWAR :
M (J)

DATED: 9/6/98

ORDER/JUDGMENT

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

O.A. NO. 120/96 ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

16 JUN 1998

हैदराबाद न्यायालय
HYDERABAD BENCH