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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A. 1242/96.

Dt. of Decision : 24-10-96.

M.A. Rasheed

.. Applicant.

Vs.

1. The Director General,  
Indian Council for Agricultural  
Research, Krishi Bhavan,  
New Delhi.

2. The Director, Central Research  
Institute for Dryland Agriculture,  
Santoshnagar, Saigabad P.O.  
Hyderabad-59.

3. Mr Sri V.M.Mayande, Scientist and  
Enquiry Officer, Central Research  
Institute for Dryland Agriculture,  
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. V.Venkateswara Rao

Counsel for the Respondents : Mr. N.R.Devaraj,Sr.CGSC.

CORAM:

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

ORDER

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

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr. N.R.Devaraj, learned counsel for the respondents.

2. The applicant while working as T-5 Technical Grade Officer under R-2 was issued with a charge memorandum No.F.No.INQ/2/94 dated 28-03-94 (Annexure-1) under Rule 14 of CCS (Conduct) Rules for the charges pertaining to his mis-conduct. That chargesheet had ended with punishment of compulsory retirement after following the extant rules. The order of compulsory retirement was issued by the Director (R-2) vide his order No.F.No. INQ/2/94 dated 19-2-1996. Against this order of compulsory retirement he appealed to the appellate authority viz., the Director General, ICAR R-1 herein vide his appeal dated 23-03-96 (Annexure-5). Though more than 7 months over it is stated for the applicant that the appeal is yet to be disposed of by R-1. The applicant further submits that the respondents are not disposing of the appeal with malafide intention as he has approached the Court earlier also in this connection.

3. This OA is filed for setting aside the impugned order No.F. No.INQ/2/94 dated 19-02-96 (Annexure-4) issued by R-2 and for a consequential direction to reinstate him back into service.

4. The main contention of the applicant is that there is no evidence to prove the charges. Hence it is a case of no evidence. His further ground is that the appellate authority wantonly keeping quiet without disposing of the appeal dated 22-03-96. Hence he submits that the impugned order of compulsory retirement from service should be set aside and he should be reinstated back on duty without waiting for the disposal of his appeal.

5. The learned standing counsel for the respondents submitted that his appeal is pending and will be disposed of shortly and to that effect a direction may be given. A suitable direction may also be given/compensate the applicant monetarily in case the appeal is not disposed of by R-1 within the stipulated time given by this Bench.

6. The applicant had brought out in his appeal the circumstances because of which his request for setting aside the compulsory retirement has to be considered. It is further stated that the applicant has also indicated in his appeal the reasons why he has come to the conclusion that the case has been decided without any evidence and in violation of principles of natural justice. The details as set out in the appeal are contested by the learned counsel for the respondents. But it is not necessary to go into the merits of the case at this stage when the appeal is pending. I have no doubt in my mind that the appellate authority will consider all the contentions raised in his appeal and come to a judicious conclusion on the basis of enquiry report, the orders of the disciplinary authority and other related documents connected with this case. Hence, a direction for early disposal of the appeal of the applicant dated 22-3-96 by R-1 within a stipulated time will meet the ends of justice. In case R-1 fails to comply with the direction of this Bench in regard to the disposal of the appeal the applicant should be suitably compensated monetarily.

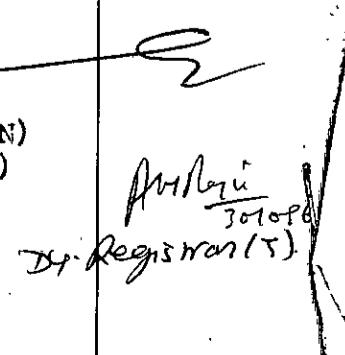
7. In the result, the following direction is given:-

R-1 should dispose of the appeal of the applicant dated 22-03-96 (Annexure-5) within 75 days from the date of receipt of a copy of this order. In case he fails to dispose of the appeal within that stipulated period the applicant is entitled for the full pay and allowances as he was drawing on the day of ~~xx~~ his compulsory retirement till the disposal of the appeal.

8. The OA is ordered accordingly at the admission stage itself. No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 24th Oct. 1996.  
(Dictated in the Open Court)

  
Dr. Registrar (T)

Copy to:-

1. The Director General, Indian Council for Agricultural Research, Krishi Bhavan, New Delhi.
2. The Director, Central Research Institute for Dryland Agriculture, Santoshnagar, Saidabad P.O. Hyd.
3. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED:

24/10/96

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

O.A. NO.

1242/96  
in

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 अधिकारात्  
Central Administrative Tribunal

DESPATCH/DESPATCH

-7 NOV 1996

हैदराबाद अधिकारात्  
HYDERABAD BENCH