

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 560/96

DATE OF ORDER : 08-11-1996.

Between :-

G.Ramaswamy

... Applicant

And

1. The Chief Engineer, Hyderabad Zone, S.P.Road, Sec'bad - 500 003.
2. The Chief Engineer, Southern Command, Pune.
3. Engineer-in-Chief, Army Head Quarters, New Delhi.
4. Under Secretary to the Government of India, Ministry of Defence, New Delhi.

... Respondents

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Counsel for the Applicant : Shri Y.Vijaya Kumar

Counsel for the Respondents : Shri N.V.Raghava Reddy, CGSC

  

CORAM:

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

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

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

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Smt.Kalyani for Shri Y.Vijaya Kumar, for the applicant.

Shri W.Satyanarayana for Shri N.V.Raghava Reddy, standing counsel for respondents. This application is filed praying for setting aside the order of removal passed by Respondent No.3 and for a consequential direction to reinstate ~~back~~ him in service with all attendant benefits.

2. The applicant is reported to have been removed from service way back in the year 1991 and this O.A. was filed on 17-1-1996 about five years later. In view of that an opportunity was given to the respondents to advert ~~in regard to~~ <sup>to</sup> the limitation in filing this application. A reply has been filed. From the reply we find that the efforts have been taken by the respondents to inform the applicant in regard to the Disciplinary Proceedings and also ~~advising him~~ <sup>before</sup> before the Disciplinary Authority in case he has any grievance to submit in this connection. Unfortunately it is seen from the reply that the applicant failed to take ~~knowledge~~ <sup>advantage</sup> of that ~~my~~ <sup>did my</sup> ~~act~~ and ~~appear~~ before the disciplinary authority. In the rejoiner also we find that there is no plausible reason given ~~on the~~ <sup>in regard to</sup> ~~on the~~ <sup>on the</sup> failure ~~on that~~ <sup>in</sup> ~~action by~~ the applicant. It is stated that the applicant has to re-pay Rs.3,000/- for some loan taken. For that the applicant submits that the loan has been paid back. There is no evidence to prove that it is so. In any case it is not necessary to look into in this connection.

3. It is stated in para-10 of the counter that ~~the~~ an appeal has been received but that appeal is addressed to an incorrect respondent. However that appeal has been ~~progressed~~ <sup>sent</sup> to higher authorities and a decision is awaited in his appeal.

4. In view of the above submission of the respondents that the appeal is still pending with the appellate authority it is justifiable to dispose of this case with a direction to the appellate authority to dispose of the appeal in accordance with the Law within a period of 3 months from the date of receipt of this order.

Accordingly the following order is passed :-

"The appellate authority whom the appeal has been forwarded in regard to setting aside the order of his removal has to consider that appeal in accordance with the Rules expeditiously and preferably within 3 months from the date of receipt of a copy of this order. It is needless to say that the Appellate Authority should consider the same ~~with~~ sympathetically <sup>view.</sup>"

5. The applicant shall be informed of his appeal within a stipulated period as stated above. ~~O.A. Disposed of accordingly with no order as to costs.~~



(R. RANGARAJAN)  
Member (A)



(M.G. CHAUDHARI)  
Vice-Chairman

Dated: 8th November, 1996.

Dictated in Open Court.

*Avl/* *28.11.96*  
Deputy Registrar (CC)

av1/

O.A.560/96.

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To

1. The Chief Engineer, Hyderabad Zone,  
A.P.Read, Secunderabad-3.
2. The Chief Engineer, Southern Command,  
Pune.
3. The Engineer-in-Chief, Army Head Quarters,  
New Delhi.
4. The Under Secretary to the Govt. of India,  
Ministry of Defence, New Delhi.
5. One copy to Mr.Y.Vijayakumar, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

Q/27/2/96 (42)  
I COURT

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CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

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

AND

R.RangaRajan  
THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 8 - 11 - 1996

~~ORDER~~ / JUDGMENT

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

in  
O.A.No. 560/96.

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

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकार  
Central Administrative Tribunal  
देखल/DESPATCH

6 DEC 1996

हैदराबाद न्यायपीठ  
HYDERABAD BENCH