

(164)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

ORIGINAL APPLICATION NO. 653 of 1996

Date of decision: 11-6-96

P. Appa Rao

..... APPLICANT(S)


Versus


The commandant, Military College of Electronics &
Mech. Engg., Trimulgherry P.O.
Secunderabad 500015 and five others

..... RESPONDENT(S)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters
or not?
2. Whether it be circulated to all the
Benches of C.A.T. or not?


(R. Rangarajan)
Member (Admn)


(M.G. Chaudhari)
Vice Chairman/Member ().

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.653 of 96

decided on : 11-6-96

Between

P. Appa Rao

: Applicant

and

1. The Commandant
Military College of Electronics &
Mechanical Engineering
Trimulgherry P.O.
Secunderabad 500015
2. Director of Electrical & Mech. Engg.
(EME Pers) (Disciplinary Authority)
EME Directorate, MGO's Branch
Army Headquarters, DHQ P.O.
New Delhi 110011
3. DG of Electrical & Mech. Engg (EME Pers)
EME Dte., Master Genl. of Ordnance Branch
Army HQ, D.HQ. P.O. New Delhi-11
4. Officer-in-charge
Establishment (Civilian) Section
Military College of Electronics & Mech. Engg.
Trimulgherry PO, Secunderabad-15
5. Lt. Genl. M.R. Kochhar
Commandant, MCE & ME, Trimulgherry PO
Secunderabad - 15
6. Mr. S.N. Rao
Officer-in-charge, Estt. Section (Civilian EMEO)
Military College of Electronics & Mech. Engg.
Trimulgherry PO, Secunderabad - 15

: Respondents

Counsel for the applicant

: Mr. Prabhakar Sripadha
Advocate

Counsel for the respondents

: Mr. Bhaskar Rao, CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

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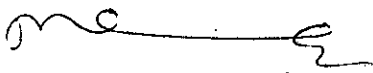
Judgement

Oral Order (per Hon. Justice Mr. M.G. Chaudhari, VC)

Heard Sri Prabhakar Sripada for the applicant. Heard Mr. K. Bhaskar Rao for the respondents.

2. The memorandum initiating the disciplinary inquiry dated 24-7-95 and the memorandum issued on 25-4-96 calling upon the applicant to show-cause against the proposed penalty are challenged in this application. Since the inquiry was reached the final stage we do not consider it proper to examine the legality of the memo dated 24-7-95 at this stage as the same could be challenged at the inquiry itself. As far as memorandum dated 24-7-95 is concerned it relates to an interlocutory stage in the inquiry and the OA cannot be entertained against such order. It is only a notice giving opportunity to the applicant to make representation against the proposed penalty and is not a final order. The applicant can always file a representation and cause of action can arise only after the penalty has been imposed in which case he has to follow the prescribed remedies. The OA is dismissed as interlocutory in respect of both the memoranda without prejudice to the right of the applicant to rely on contentions urged therein in subsequent proceedings.

3. This order does not refer to the merits of the case.


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice chairman

Dated : June 11, 96
Dictated in Open Court

sk


Dy. Registrar

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O.A.No.653/96.

Copy to:-

1. The Commandant, Military College of Electronics & Mechanical Engineering Trimulgherry P.O. Secunderabad-500 015.
2. Director of Electrical & Mech.Engg. (EME Pers)(Disciplinary Authority), EME Directorate, MGO's Branch, Army Headquarters, DHQ, P.O.New Delhi-110 011.
3. Director General of Electrical & Mechanical Engineering (EME Pers),EME Dte,Master Genl.of Ordinance Branch, Army HQ,D.HQ, P.O.New Delhi-111
4. Officer in Charge,Establishment(Civilian) Section, Military College of Electronics & Mech. Engg. ~~Military College~~ Trimulgherry P.O. Secunderabad-15.
5. Lt.Genl.M.R.Kochhar,Commandant,MCE & ME, Trimulgherry P.O.Secunderabad-15.
6. Mr.S.N.Rao, Officer in charge,Estt, Section(Civilian EMEO,Military College of Electronics & Mech.Engg.Trimulgherry P.O., Secunderabad-15.
7. One copy to Mr.Prabhakar Sripadha,Advocate, 6-1-320,Walker Town,Secunderabad-500 025.
8. One copy to Mr.K.Bhaskar Rao,Advocate,CAT.Hyd.
9. One copy to Library,CAT.Hyd.
- 10.One spare copy.

kku.

8/7/96

I COURT

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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 M(A)

Dated: 11-6-1996

ORDER/JUDGMENT

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

In

O.A.No. 595/96

853/96

P.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed *As interjectory*

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs

pvm

