

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

C.P.65/99 in O.A.138a/96

Date of Order: 5th August 99

BETWEEN:

Ch.Bhupal Goud

.. Applicant.

AND

Shri Prahlada,
Director, Defence Research and
Development Laboratory,
Chandrayangutta, Hyderabad. .. Respondents.

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Counsel for the Applicant .. S.Lakshma Reddy

Counsel for the Respondents .. Mr.B.N.Sharma

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CORAM :

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

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

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O R D E R

)(As per Hon'ble Shri B.S.Jai Parameshwar,Member(J))(

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Mr.S.Lakshma Reddy, learned counsel for the
applicant and Mr.B.N.Sharma, learned standing counsel
for the respondents.



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2. The applicant has filed this application for proceeding against the respondents for non-compliance of the directions given in OA.1382/96 dated 2.9.98.

3. The said OA came to be decided on the basis of the directions given in OA.1381/96. Hence we feel it proper to reproduce herein the directions given in OA.1382/96.

"In view of what is stated above, we are of the opinion that a direction has to be given to the respondent authorities namely the disciplinary authority herein to pass a detailed order in accordance with the departmental rules and also taking note of the order of this Tribunal in TA.27/91 indicating the treatment of the period in question.

The applicants are at liberty to challenge that order if they are aggrieved by that order".

4. Earlier the applicant had filed the C.P.6/99. In that C.P. the respondents had filed the reply. That CP was disposed of on 19.3.99 with the following observations :-

"We have perused the reply. The reply does not state, whether any rule exists to consider the suspension period as much when a minor penalty has been imposed. To that extent the reply is not convincing. Hence, the respondent-authorities, who disposed of the letter dated 28.12.1998, is once again directed to give a detailed order quoting the rules as to how the period of suspension is to be treated. The reply should be given within a period of four weeks from the date of receipt of a copy of this order".

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5. Thereafter, the respondents issued the memorandum dated 19.3.99 to the applicant to make any representation on the proposal of treating the period of suspension from 7.2.78 to 11.12.83 as a period not spent on duty and ^{shall be paid} not more than subsistence allowance.

6. The applicant submitted a representation dated 23.4.99. He had relied on the O.M.No.1112/15/85 dated 3.12.85 to contend that the period of suspension must be treated as on duty.

7. The respondents considered the representation and by their order dated 3.6.99 (A-3) gave a speaking order treating the period of suspension only as period of suspension.

8. The respondents have filed ^{the} reply justifying the order dated 3.6.99.

9. During the course of the arguments the learned counsel for the respondents relied upon the directions given in OA.1381/96 and submitted that the respondents have substantially complied with the directions given in the OA and that if the applicant is aggrieved by the reply he may choose such course of action as he deems fit.


10. Perused the reply as well as the order dated 3.6.99. In our humble view the order dated 3.6.99 has been issued in substantial compliance of the directions given in C.P.6/99 and also O.A.1381/96.

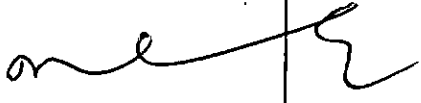


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11. Hence it cannot be said that the respondents failed to comply with the directions.


12. Therefore, the C.P. is ^{closed} ~~dismissed~~. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated : 5th August, 1999

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