

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 227/97

Date of Order : 26.3.99

BETWEEN :

R.Sanyasi Appadu

.. Applicant.

AND

1. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Naval Base,
Visakhapatnam.

2. The Chief Staff Officer (P&A),
Eastern Naval Command, Naval Base,
Visakhapatnam.

3. The General Manager,
Naval Armament Depot,
Visakhapatnam.

4. The Area Accounts Officer,
CDA (Navy), Visakhapatnam.

5. The Collector and District Magistrate,
Vizianagaram.

.. Respondents.

Counsel for the Applicant

.. Mr. P. Bhaskar

Counsel for the Respondents

.. Mr. V. Bhimanna
Mr. P. Nareshwar

CORAM :

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

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

O R D E R

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

Mr. P. Bhaskar, learned counsel for the applicant and
Mr. V. Bhimanna, learned standing counsel for the respondents.

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2. Though the respondents have not filed the reply they have produced the proceedings to show that the disciplinary authority ~~has~~ ordered further enquiry into the matter.

3. While the applicant was working as Senior Chargeman (Factory) a major penalty charge memo dated 11.11.88 (A-1) was issued to the applicant by the General Manager. A detailed enquiry was conducted into the charge and enquiry officer submitted his report recording his findings. After going through the report of the enquiry officer and the records ^{the} of Chief Staff Officer (P&A) by his order dated 7.10.96 ordered for further enquiry with certain directions. The order of the Chief Staff Officer (P&A) is at pages 35-36.

4. On the basis of the said order the General Manager issued direction ^{by the impugned letter dt. 20.11.96} to the enquiry officer to further enquire into the charges levelled against the applicant.

5. This OA is filed challenging the letter dated 20.11.96 as arbitrary, illegal, null and void and consequently ^{to} quash the same.

6. The General Manager is the disciplinary authority. It is for him to take a decision on the basis of the report of the enquiry submitted by the enquiry officer. He must act authority. on his own and not to be guided by any other ^{The Chief Staff} Officer cannot motivate the disciplinary authority to order

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for further enquiry. It is the disciplinary authority to take his own decision on the basis of the findings recorded by the enquiry officer.

5. In that view of the matter the order dated 7.10.96 passed by the Chief Staff Officer (P&A) and there upon by the General Manager ordering further enquiry ^{by the impugned letter dated 26.11.96} are not according to the rules. Hence they are hereby set aside.

6. The disciplinary authority shall take decision on his own on the basis of the report of the enquiry submitted by the enquiry officer.

7. It is stated that nearly 3 years have elapsed from the date of submission of the report of the enquiry officer. The disciplinary authority shall furnish a copy of the enquiry report to the applicant and on the receipt of his representation may ^{he} pass such orders as deems fit.

8. The OA is ^{thus} disposed of. No costs.

B.S. JAI PARAMESHWAR
(B.S. JAI PARAMESHWAR)
Member (Judl.)
26.3.99

R. RANGARAJAN
(R. RANGARAJAN)
Member (Admn.)

Dated : 26th March, 1999

(Dictated in Open Court)

Copy to:

1. HDHND

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

2. HHRP M(A)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

3. HBSJP M(J)

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

4. D.R. (A)

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

5. SPARE

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

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

DATED: 26-3-99

ORDER/ JUDGEMENT

MA./RA./CP.No. _____

IN

O.A. NO. 227/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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દન્દોય પ્રસાસનિક અધિકરણ
Central Administrative Tribunal
દેસ્પાચ / DESPATCH

- 6 MAY 1999

હૈદરાબાદ સ્થાયીદ
HYDERABAD BENCH