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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.390/97.

Dt. of Decision : 10-03-99.

B. Anand Reddy,

.. Applicant.

Vs

1. The Ordnance Factory Board,
Rep. by the Director General
of Ordnance factories,
10-A, Auckland Road,
Calcutta-1.

2. The General Manager,
Ordnance Factory Project,
Yeddumailaram,
Dist : Medak (A.P.).

.. Respondents.

Counsel for the applicant : Mr.P.Naveen Rao

Counsel for the respondents: Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON.Mr.B.S.JAI PARAMESHWAR : MEMBER (J))

Heard Mr.P.Naveen Rao, learned counsel for the
applicant and Mr.V.Rajeswara Rao, learned counsel for the
respondents.

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2. The applicant is working as Machinist (Skilled) T.No.665-3/NMC at Ordnance Factory Project, Yeddumailaram, Medak District. During the year 1994 certain allegations were levelled against him by a co-employee by name Mr.P.Sitaram working as Turner (T.No.33629/HTM). On the basis of the said allegations, charge memo dated 19-2-94 was served on the applicant. He was placed under suspension vide order dated 14-2-94. The applicant submitted his explanation on 15-3-94 denying the charges. Deputy General Manager was appointed as enquiry officer. A detailed enquiry was conducted into the charge. The applicant participated in the enquiry. The enquiry officer submitted his report on 14-12-94 holding guilty of the misconduct levelled against the applicant. The disciplinary authority agreeing with the findings recorded by the enquiry officer imposed a penalty of reduction of pay of the applicant by three stages in the time scale of pay of Rs.950-1500/- from Rs.1010/- to Rs.950/- per month with cumulative effect for a period of two years vide his order dated 5-3-95.

3. The applicant submitted an appeal to the appellate authority on 30-3-95. The appeal was rejected on 4-10-96 confirming the order of the disciplinary authority.

4. The applicant has filed this OA challenging the order dated 5-3-95 passed by the disciplinary authority and the order dated 4-10-96 passed by the appellate authority and praying to quash the same and to restore his pay with all consequential benefits.

5. It may be stated that with respect to the complaint by Mr.P.Seetaram a criminal case was registered against the applicant in Crime No.13/94 of P.S.Sanga Reddy under Section 3(1)(X) of the SCs and STs (P.A.) Act and



under Section 323 of the IPC. After investigation, the police filed a charge sheet before the Court of Special Sessions Judge for trial of cases under the said act in Mahaboobnagar District. The charge sheet was registered in CC.115/94. It is now stated by the applicant, the Court of Special Sessions Judge in C.C.No.115/94 by its judgement dated 3-11-95 acquitted the applicant of the charges levelled against him.

6. After his acquittal, the applicant submitted a representation dated 14-12-95 to the appellate authority. He had also enclosed a copy of the judgement in CC.115/94. (Annexure-VII Page-40 & 41 to the OA).

7. It is stated by the applicant that the appellate authority has not at all taken into consideration his acquittal while deciding the appeal. We cannot express any opinion as regard this aspect of the matter. The appellate authority should have taken note of and considered the appeal in proper prospective in the light of the observations made by the Court of Sessions, Mahaboobnagar. The appellate order was passed without taking due note of the judgement in CC.115/94.

8. Hence, we feel it proper to set aside the order dated 4-10-96 passed by the appellate authority and to remit the matter back to the appellate authority to consider the appeal dated 30-3-95 and the additional appeal dated 14-12-95 filed by the applicant as per rules taking due note of the observations made by the Special Sessions Judge in CC.115/94.

9. Hence, we pass the following directions:-

(a) The ~~order of the~~ appllate order No.10692/A/VIG dated 4-10-96 (Annexure-VI) is hereby set aside.



(b) The appeal dated 30-3-95 (Annexure-IV) and the additional appeal dated 14-12-95 (Annexure-VII) shall be decided by the appellate authority afresh taking due note of the observations made by the Special Sessions Judge, Mahaboobnagar in CC.115/94.

10. In case the applicant desires an opportunity of personal hearing the same shall be given to the applicant. The appellate authority shall decide the appeal expeditiously.

11. With the above direction the OA is disposed of. No order as to costs.



(B.S. JAI PARAMESHWAR)
1A-325 MEMBER (JUDL.)



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 10th March, 1999.
(Dictated in the open court)

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10/3/99

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Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

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A
P
1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

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

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

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

DATED: 16/3/99
ORDER/JUDGEMENT

MA./RA./CP.No.

O.A. NO. 390/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

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