

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.-41/97.Dt. of Decision : 28-07-97.

B.Solomon

.. Applicant.

Vs

1. The Union of India, Rep. by the Secretary, Min. of Science and Technology, Lodi Street, New Delhi-110 015.
2. The Surveyor General Of India, Dehraun-248 001.
3. The Addl.Surveyor General, Southren Zone, Sarjapur Road, Koramangala II Block, Bangalore-560 034.
4. The Director, SE Circle, Survey of India, Uppal, Hyderabad-39.
5. The Superintending Surveyor, Incharge No.43 Party (SSEC) (PMP), Uppal, Hyderabad-
6. Sri R.K.Jayavelu

.. Respondents.

Counsel for the applicant : Mrs. S.Thripura Sundari

Counsel for the respondents : Mr. N.R.Devaraj,Sr.CGSC.

CORAM:-

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

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

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ORDER

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

Heard Mr.P.Venkata Charry for Mrs.S.Thirupura Sundari, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant was punished by withholding next increment of pay for a period of two years by the impugned order No.C-69/4-A.(B.Solomon)/43P dated 18-11-96 (Annexure-3). Against this order the applicant has filed an appeal to R-3 by his appeal dated 5-12-96 (Annexure-4). However, R-6 has issued the impugned order No.C-399-S/4-A-1024(SSEC) dated 24-12-96 (Annexure-6) informing the applicant that "preferring an appeal to the authority higher than the appellate authority and that too directly, in contravention of the Conduct Rules is viewed seriously and is liable for disciplinary action".

3. The punishment order was issued by R-5. R-6 is a higher official controlling R-5. Hence R-6 by the impugned order dated 12-4-96 advised the applicant to prefer an appeal to him as he is the appellate authority in this connection. R-6 objected the appeal of the applicant dated 5-12-96 to R-3 as R-3 is ^{the} controlling officer for both the R-5 and R-6. Though R-6 in his ~~appeal~~ has not categorically objected to the appeal of the applicant. ^{LR-3} ~~indirectly~~ ^{he} ~~the appeal~~ he meant that he should be preferred to him and not to R-3.

4. This OA is filed for setting aside the order No.C-69/4-A(B.Solomon)/43P dated 18-11-96 (Annexure-3) issued by R-5 and the apparent decision of R-6 as conveyed through Lr.No.C-399-S/4-A-1024(SSEC) dated 24-12-96 (Annexure-6).

5. The learned counsel for the applicant submits that there was a criminal ~~case~~ complaint filed by the applicant's wife against R-6 on the file of a judicial Magistrate and that is pending. Because of that case, R-6 managed to get the applicant posted under him and

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got the punishment order issued. Now if he is going to submit an appeal against the order of R-5 and R-6 the applicant submits that he ~~will~~ ^{may} not get any justice. Hence, he pleads that his appeal R-3 should stand and that appeal should be disposed of by him and R-6 should not insist the appeal being transferred to him for disposal. The learned counsel for the respondents submitted under instruction that the respondents have no objection to dispose of the appeal of the applicant dated 5-12-96 by R-3 and that will not be transferred to R-6 for disposal. In view of the above prayer of the applicant for the disposal of the appeal by R-3 has been conceded.

6. In view of the above, ~~there is~~ no further direction ~~is~~ ^{is} necessary/directing R-3 to dispose of the appeal of the applicant dated 5-12-96 in accordance with law ~~and~~ ^{and} ~~judiciously~~ ^{judiciously}.
7. The OA is ordered accordingly at the admission stage itself. No costs.

R.Sundar

(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

28/7/97

R.Rangarajan

(R.RANGARAJAN)
MEMBER(ADMN.)

Amriti
31-7-97
D.R (S)

sp

Dated : The 28th July, 1997.
(Dictated in the Open Court)

3.7.3

Copy to:

1. The Secretary, Min. of Science and Technology,
Lodhi Street, New Delhi.
2. The Surveyor General of India, Dehradun
3. The Addl. Surveyor General, Southern Zone, Sarjapur Road,
Koramangala II Block, Bangalore.
4. The Director, SE Circle, Survey of India,
Uppal, Hyderabad.
5. The Superintending Surveyor, Incharge No.43,
Party (SSEC) (PMP), Uppal, Hyderabad.
6. One copy to Mrs S. Thripura Sundari, Advocate, CAT, Hyderabad.
7. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

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28/7/97

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR: M
(J)

DATED: 28/7/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

O.A. NO. 141/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक आदिकरण
Central Administrative Tribunal
प्रेस्चाल/DESPATCH

5 AUG 1997
Note

हैदराबाद न्यायपीठ
HYDERABAD DIVISION