

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :HYDERABAD BENCH

AT HYDERABAD

O.A.952/97.

Dt. of Decision : 01-08-97.

S.Ramachandran

.. Applicant.

Vs

1. The Commander, Works Engineer,
Mudfort, Sec'bad.
2. The Chief Engineer, Hyderabad Zone,
MES, Sec'bad.
3. The Garrison Engineer, MES,
Golconda, Hyderabad-8.

.. Respondents.

Counsel for the applicant

: Mr. K.Venkateswara 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.)

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ORDER

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

Hear~~d~~ Mr. K. Venkateswara Rao, learned counsel for the applicant and Mr. V. Rajeswara Rao, learned counsel for the respondents.

2. The applicant was dismissed from service by order No. 158/762/EIC dt. 30-6-97 (Annexure-I). The applicant submits that there are lot of technical irregularities committed by the respondents in issue of the dismissal order. First of all he states that the Principles of natural justice is not followed, in that the necessary documents on which the charges ^{were} ~~was~~ framed ^{were} ~~was~~ not supplied to him. Secondly, the learned counsel for the applicant submits that no proper enquiry was conducted. The enquiry has to be conducted in accordance with the rule ~~of~~ 14 of the CCS(CCA) Rules. Inste~~ad~~ of ~~that~~ the enquiry was conducted under Rule 16 of the CCS (CCA) Rules. Hence the applicant submits that it is a fit case to be considered by this Tribunal without asking the applicant to ~~av~~ avail the alternative remedies available to him by filing an appeal to the appellate authority.

3. This OA is filed for setting aside the impugned dismissal order No. 158/762/EIC dt. 30-6-97 (Annexure-I) issued by Commander Works Engineers, (R-1 herein) by holding the same as arbitrary, illegal, violative of ~~Article 14~~ CCS(CCA) Rules, 1965 and Articles 14 and 16 of the Constitution of India and principles of natural justice and for a consequential direction to reinstate him in service.

4. The contentions made in this OA are to be considered by the appellate authority who is ^a quasi judicial authority. We have no doubt in mind that the quasi judicial authority will ~~not~~ consider his contentions ^{fully} while disposing of his appeal. Though the Bench ~~can~~ can decide ~~to consider~~ this OA, even though the applicant has not availed the alternative remedies available, we feel that the applicant will ^{get} have a quick ^{which} ~~result~~ by appealing against the orders

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of the dismissal to the appellate authority. ^{To} further assist the applicant we also feel that a time bound schedule may be given in this case for disposal of his appeal.

5. In view of the above, the applicant if so advised may file a detailed appeal to the appellate authority including all the available contentions to him within a period of one month from the date of receipt of a copy of the judgement. If such an appeal is received by the concerned appellate authority then that appellate authority should dispose of the appeal in accordance with law giving a detailed speaking order on the contentions raised by him, within a period of two months from the date of receipt of that appeal.

6. The OA is ordered accordingly at the admission stage itself. No costs.

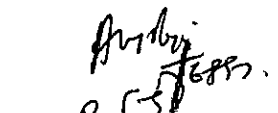

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

1.8.97


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 01st August, 1997.
(Dictated in the Open Court)

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D.R. (S)

- 64 -

Copy to:-

1. The Commander, Works Engineer, Mudfort, Sec^rBad.
2. The Chief Engineer, Hyderabad.Zone, MES, Secunderabad, ..
3. The Garrison Engineer, MES^r, GolConda, Hyderabad.
4. One Copy to Mr. K.Venkateswara Rao Advocate C.A.T. Hyd.
5. One ^Copy to Mr. V.Rajeswara Rao , Addl CGSC.C.A.T.Hydeabad.
6. One copy to The D.R.(A)..
7. One Duplicate Copy.

Upr.

22/8/97
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 1-8-97

ORDER/JUDGEMENT

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

in

D.A.NO.

952/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected. at the *Admission*
stage

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

वेपण/DESPATCH

1.1 AUG 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

M.A. No. 982/1997 in
O.A. No. 952/1997

Date of Decision:
29th October 1997

BETWEEN:

1. The Commander, Works Engineer,
Mudfort, Secunderabad.
2. The Chief Engineer,
Hyderabad Zone,
MES, Secunderabad.
3. The Garrison Engineer,
MES, Golconda,
Hyderabad - 500 008 .. Applicants

AND

S. Ramachandran .. Respondent

Counsel for the Applicants: Mr. V. Rajeswar Rao

Counsel for the Respondent: Mr. K. Venkateswar Rao

CORAM:

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

ORDER

(Per Hon'ble Sri R. Rangarajan: Member (Admn.)

Heard Sri V. Rajeswar Rao for the applicant and
Sri K. Venkateswar Rao for the Respondent.

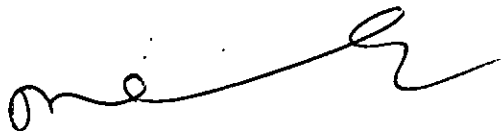
This M.A. is filed for extending 4 more months in
complying with the direction given in the O.A. The O.A. was
disposed of on 1.8.97 giving them 2 months time to dispose
of the appeal from the date of receipt of the copy. It is
now stated that the appeal was submitted on 18.8.1997 and

they require 4 more months from 18.10.97 to comply orders of this Bench.

The learned counsel for the Respondents in the M.A. opposes the same and he submits that the time granted is sufficient and the Respondents in the O.A. are not taking any action to comply with the directions of this bench. Hence he submits that no extension of time need be given.

I have considered the submissions of both the sides. Under the circumstances the time for compliance is extended up to 15.12.1997. No further extension of time will be given.

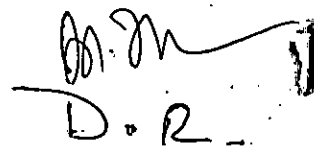
M.A. is ordered accordingly.



(R. RANGARAJAN)
MEMBER (ADMN.)

Date: 29th October 1997

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MA.982/97
OA.952/97

Copy to:-

1. The Commander, Works Engineer, Mudport, Secunderabad.
2. The Chief Engineer, Hyderabad Zone, MES, Secunderabad.
3. The Garrison Engineer, MES, Golconda, Hyderabad.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
5. One copy to Mr. K. Venkateswara Rao, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

err

10/11/97
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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: 29-10-97

ORDER/JUDGMENT

M.A./R.A/C.A.NO. 982/97

in

O.A.NO. 952/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

~~Ordered/Rejected~~

No order as to costs.

YLKR

II Court

