

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1016/97

Date of Order: 7.8.97

BETWEEN :

Jabbar Ahmed Khan

.. Applicant.

AND

1. The Commander, Works Engineer, Mudfort, Secunderabad.
2. The Chief Engineer, Hyderabad Zone, MES, Secunderabad.
3. The Garrison Engineer, MES, Gonconda, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. K. Venkateswara Rao

Counsel for the Respondents

.. Mr. N.R. Devraj

CORAM:

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

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

JUDGEMENT

Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.)

Mr. K. Venkateswara Rao, learned counsel for the applicant and Mr. N.R. Devraj, learned standing counsel for the respondents.

2. The applicant in this OA while working as Mazdoor under R-3 was issued with a charge sheet bearing No. 158/388/E1C, dated 30.4.96, for violation of Rule 3(i)(iii) of CCS (Conduct) Rules, 1964, in that he had produced a bogus employment registration card. The charge was enquired into by the enquiry officer and the enquiry officer report was submitted which is enclosed at page- 15 to the OA. A copy of the enquiry report was supplied

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to the applicant vide memorandum No.158/388/E1C, dt. 30.4.96. While supplying the enquiry report to the applicant by the memorandum quoted above, the disciplinary authority, namely, R-1 had observed that " he had provisionally come to the conclusion that the charges framed against the said applicant have been conclusively established. The undersigned, thus proposed to impose on him the penalty of dismissal from service which shall ordinarily be a disqualification for future employment under the Government." The applicant on receipt of that memorandum along with the enquiry report submitted his representation dated 27.5.96. On that basis the applicant was dismissed from service by the memorandum No. 158/388/E1C, dt. 30.4.96 (A-1).

3. This OA is filed for setting aside the impugned order No.158/388/E1C, dt. 30.4.96 issued by R-1 by holding the same as illegal, arbitrary, discriminatory and violative of CCS (CCA) Rules, 1965 and for a consequential direction to reinstate him in service.

4. The contentions raised in this OA are similar to the contentions raised in OA.913/97 which was disposed of on 20.3.97 In view of the above we follow the directions given in that OA and direct as follows:-

The applicant should submit a detailed appeal to the appellate authority including the contentions raised in this OA within a fortnight from today. If such an appeal is received the appellate authority concerned should dispose of the same within two months from the date of receipt of a copy of that appeal taking due note of the observations made by us in O.A. 913/97 without ~~insisting~~ ^{going into} the period of limitation if any.

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5. The learned counsel for the applicant submitted that in view of the draw-back in the conduct of the enquiry and issue of the punishment order, the appellate authority may be directed to suspend the impugned dismissal order. We do not propose to give any direction as prayed for as above. But the applicant is at liberty to make this request to the appellate authority and that appellate authority will decide the course of action necessary to be taken on the basis of his request.

6. With the above directions the OA is disposed of at the admission stage itself. No costs.


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

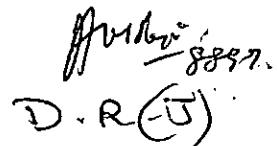

(R.RANGARAJAN)
Member (Admn.)

7.8.97

Dated : 7th August, 1997

(Dictated in Open Court)

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D.R.(J)

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Copy to:

1. The Commander, Works Engineer, Mudfort, Secunderabad.
2. The Chief Engineer, Hyderabad Zone, MES, Secunderabad.
3. The Garrison Engineer, MES, Golconda, Hyderabad.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.R. GANDJAN : M (J)

AND

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

Dated: 7/8/97

ORDER/JUDGEMENT

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

in

C.A.NO. 1016/97

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

