

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

36

AT HYDERABAD

O.A.1020/97.

Dt. of Decision : 08-08-97.

V.Chandraiah

.. 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.Bhimanna, Addl. OGSC.

CORAM:-

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

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

ORDER

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

Heard K.Venkateswara Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned 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.158/390/EIC dated 14-03-95 (Annexure-II) for violation of Rule 3 (i) (iii) of CCS (Conduct) Rules, 1964, ⁱⁿ that he had produced ^a bogus employment registration card. That charge-sheet was enquired into by the enquiry officer and the enquiry officer report was submitted which is enclosed at ~~Page~~ Annexure-IV to the OA. A copy of the enquiry report was supplied to the applicant vide memorandum No.158/658/EIC dated 30-04-96 (Annexure-IV to the OA). While supplying the enquiry report to the applicant by the memorandum quoted above, the disciplinary authority viz., R-1 had observed that "he had provisionally come to the conclusion that the charges framed against the said applicant have been conclusively established.

[Signature]

[Signature]

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 27-05-96 (Annexure-VIII). On the basis of that, the applicant was dismissed from service by the memorandum No.158/766/EIC dated 30-06-97 (Annexure-I to the OA).

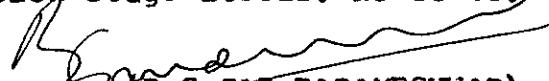
3. This OA is filed for setting aside the impugned order No.158/766/EIC dated 30-06-97 (Annexure-I to the OA) issued by R-1 by holding the same as illegal, arbitrary, discriminatory and violative of CCS (CCA) Rules, 1965 and for a consequential direction to re-instate him in service.

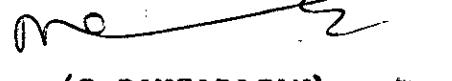
4. The contentions raised in this OA ^{are} ~~is~~ similar to the contentions raised in OA.913/97. Hence the OA is ~~allowed~~ with the following direction:-

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

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 direction the OA is disposed of at the admission stage itself. No costs.


(B.S.JAI PARAMESHWAR)
81897 MEMBER(JUDL.)


(R.RANGARAJAN)
MEMBER(ADMN.)

Dated : The 08th August, 1997.
(Dictated in the Open Court)

Copy to :-

1. The Commander, Works Engineer, Mudfort, Secunderabad.
2. The Chief Engineer, Hyderabad zone MES. Sec'bad.
3. The Garrison Engineer, MES, Golconda, Hyderabad.-8.
4. One Copy to Mr. K. Venkateswara Rao Advocate CAT.Hyd.
5. one Copy to Mr. V. Bhimanna Addl. CGSC. CAT Hyd--.
6. One Copy to The D.R. (A).CAT.HYD.
7. One Duplicate Copy.

Upr.

18/8/97
(X)

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RAJAGATHAN : (M) (S)

AND

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

Dated: 8.8.97

ORDER/JUDGEMENT

M.R./R.A./S.A./N.B.

in

C.A. NO. 1020/97

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

W. 1000/-

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
DESPATCH/DESPATCH

18 AUG 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH