

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.1066/1997.

Date of decision: 20-1-1999

Between:

G.Jupitar. .. Applicant.

and

1. Composite Production Centre represented by its General Manager, Vignana Kancha, (RC), Hyderabad.
2. The Government of India represented by its Secretary, Ministry of Defence, New Delhi.
3. Mr. K.A.Hussain, Accounts Officer, Composite Production Centre, Hyderabad.

Respondents.

Counsel for the Applicant: Sri S.Rama Sarma.

Counsel for the Respondents: Sri B.Narasimha Sarma,

CORUM.

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

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O.A.No.1066/1997.

(by Hon'ble Sri R.Rangarajan, Member(A))

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None for the applicant. Heard Sri B.Narasimha Sarma, learned counsel for the respondents.

Even though this O.A., had come up for hearing number of times, ^{neither} the applicant nor his counsel present. Even today when the O.A., is posted for dismissal, ^{either} the learned counsel for the applicant or ~~the applicant~~ ^{is} present. Hence under the provisions of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987, we are disposing of the matter on the basis of the material available on record.

The applicant was suspended for certain financial irregularities and for other reasons in exercise of the powers conferred by sub-rule(i) of Rule 10 of CCS(CCA) Rules, 1965 by the Respondent No.1 by the impugned suspension Order dated 13.12.1993.

This O.A., is filed for a declaration that the impugned suspension Order of 13.12.1995 is illegal, void and arbitrary on various grounds indicated in the O.A.

by
It is stated ~~xxx~~ the respondents that the applicant was issued ~~the xxxxx~~ ^a Memorandum of Charges dated 15.3.1996. It is further stated by the respondents that the applicant failed to submit any explanation to the Charge-sheet, even though he

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received the charge-sheet. It is further stated that the applicant is not cooperating in completing the enquiry even though the dates fixing the enquiry and the procedure to be followed was informed to him. A fresh notification was also issued in regard to the fixation of date for enquiry. In spite of it, the applicant failed to respond. The Presenting Officer has given all the details to the Enquiry Officer and the witnesses ~~who~~ are yet to be examined. The Enquiry Proceedings ~~stayed~~ ^{stand} at that stage.

It is also stated for the respondents that the applicant has been given subsistence allowance as per the provisions of F.R.53. The interim Order dated 17-10-1997 passed in this O.A., has been fully complied with and he is being paid subsistence allowance regularly. The applicant has filed a rejoinder also. He has ~~given~~ ~~stated~~ stated that on the date of filing of the rejoinder he has yet to receive some arrears of subsistence allowance. The respondents shall check up whether he has to receive any arrears of subsistence allowance; if so, the ^{arrears} shall be drawn and paid to him in accordance with the rules.

A Charge-sheet has already been issued to the applicant. It is for the applicant to co-operate with the Authorities concerned to complete the disciplinary proceedings quickly. He should also nominate

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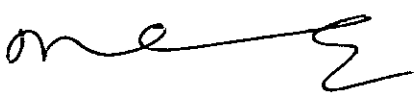
the Defence Assistant as per the direction given in
 O.A.1654/94 dated 15.9.1997 within a fortnight from the
 date of receipt of a copy of this Order. The date of further
 enquiry should be fixed after the expiry of the date of
~~enquiry~~ ^{as above} stipulated ~~earlier~~ for nominating the Defence
 Assistant. The Enquiry Officer should also inform the
 applicant all the details given by the Presenting Officer to him
 in the first three sittings of the Enquiry Proceedings
 and proceed ^{further} with the enquiry proceedings.

At this juncture, it is not necessary to pass
 any orders in regard to the revocation of the suspension
 Order. The case of the applicant should be ^{finalised} ~~considered~~
 on the basis of the Charge-sheet issued after conducting
 the Enquiry as indicated above.

If the applicant fails to co-operate as stated
 by the respondents, the respondents are at liberty to
 conduct the enquiry ex parte after informing the applicant
 in writing and according to the rules in this regard.

With the above directions, the O.A., is disposed
 of. No costs.


 B.S. JAI PARAMESHWAR,
 Member (J)


 R. RANGARAJAN,
 Member (A)

Date: 20th January, 1999.

 Dictated in open Court.

COPY TO:-

1. HDHND
2. HHAP M(A)
3. HBSJA M(J)
4. D.R.(A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN 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: 20-1-99

ORDER/ JUDGMENT

~~M.A./R.A./C.P.NB.~~

In

O.A. NO. 1666(97)

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

SRR

(7 copies)

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal वैषम्य / DESPATCH 28 JAN 1999 HYDERABAD BENCH
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