

67

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)

R

n

68

O.A.No.1066/1997.  
-----  
(by Hon'ble Sri R.Rangarajan,Member(A))

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

Even though this O.A., had come up for  
neither  
hearing number of times,/the applicant nor his counsel  
present. Even today when the O.A., is posted for  
either  
dismissal,/the learned counsel for the applicant or  
is  
the applicant/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.

It is stated by  
the respondents that  
the applicant was issued the ~~the~~ 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

R D

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. Inspite 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~~ <sup>stand</sup> 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~~ ~~given~~ 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/ 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

R

D

70

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  
~~as~~ <sup>above</sup> ~~earlier~~ enquiry stipulated ~~earlier~~ for nominating the Defence  
Assistant. The Enquiry Officer should also inform ~~the~~ <sup>the</sup>  
applicant all the details given by the Presenting Officer to him  
in the first three sittings of the Enquiry Proceedings  
and proceed <sup>further</sup> 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 ~~considered~~ <sup>finalised</sup>  
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~~ 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  
B.S.JAI PARAMESHWAR,  
Member (J)  
20.1.99

R.RANGARAJAN  
R.RANGARAJAN,  
Member (A)

Date: 20th January, 1999.

-----

Dictated in open Court.

sss.

Arul  
20.1.99

COPY TO:-

1. HDHNJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

29/1/99  
S  
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./E.P.NO.~~

In

O.A. NO. 1666 (97)

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALL OUED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

(7 copies)

केन्द्रीय प्रशासनिक अधिकार अधिकार  
Central Administrative Tribunal  
प्रेषण / DESPATCH

28 JAN 1999  
N.P.

HYDERABAD BENCH