IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1122/97 Date of Order:27.8.97

BETWEEN:

S.Jagadish .. Applicant.

AND

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

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Counsel for the Applicant ..Mr.K.Venkateswara Rao

Counsel for the Respondents .. Mr. J.R.Gopala Rao

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CORAM:

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

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

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J U D G E M E N T

)(Oral order as per Hon'ble Shri R.Rangarajan,M(A) )(

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Heard Mr. K.Venkateswara Rao, learned counsel for the applicant and Mr.J.R.Gopala Rao, learned standing counsel for the respondents.

2. The applicant was dismissed from service by order No. 158/753/EIC, dt.30.6.97 (A-1). 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 framed were 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 14 of the CCS(CCA) Rules. Inspite of that the enquiry was conducted under Rule 18 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 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.158/753/EIC, dt. 30.6.97 (A-1) issued by Commander Works Engineer (R-1 herein) byholding the same as arbitrary, illegal, violative of CCS (CCA) Rules, 1965 and Articles 15 and 16 of the Constitution of India and principles of natural justice and for a consequential direction to reinstate him in service.

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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 our mind that the quasi judicial authority will consider all his contentions fully while disposing of his appeal. Though the Bench can decide this OA, even though the applicant has not availed the alternative remedies available, we feel that the applicant will get a quick relief by appealling against the orders 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 without going into the question of limitation if any.

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

(B.S.JAI PARAMESHWAR) (R.RANGARAJAN)

27.8.97

Dated : 27th August, 1997
(Dictated in Open Court)

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Copy to:-

1. The Commander , Works Engineer, HudSort, Secunderabad.
2. The Chief Engineer, Hyderabad Zone, MES, Secunderabad,
3. The Garrison Engineer, MES, South, Secunderabad.
4. One Copy to Mr. K.Venkateswara Rao ,Advocate, CAT.Hyd.
5. One Copy to Mr. T. R. Gopal Rao CGSC, CAT.Hyd.
6. One Copy to The D.S(A).
7. One Duplicate Copy.

sdk 12/9/97

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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: 27.8.97

ORDER/~~JUDGEMENT~~

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

in

C.A.NO. 1122/97

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
-9 SEP [redacted]
हैदराबाद न्यायपीठ
HYDERABAD BENCH