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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA. 1154/97

dated : 2-9-97

Between

K. Shivalingam

: Applicant

and

1. Commander Works Engr.
Mudfort, Secunderabad

2. Chief Engr.
Hyderabad Zone, MES
Secunderabad

3. Garrison Engr.
MES, North
Secunderabad

: Respondents

Counsel for the applicant

: K. Venkateswara Rao
Advocate

Counsel for the respondents

: V. Rajeswara Rao
OGSC

CORAM

HON. MR. R. Rangarajan, Member (Admn)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

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Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.))

Heard Sri K. Venkateswara Rao for the applicant and Sri V. Rajeswara Rao for the respondents.

2. The applicant was dismissed from service by order No. 158/745/EIC dated 30-6-1997 (Annexure-I). 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 dismissed order No.158/745/EIC dated 30-6-97 (Annexure-I) issued by Commander Works Engineers (R-1 herein) by holding the same as arbitrary, illegal, violative of CCS(CCA)Rules, 1965 and Articles 14 and 16 of the Constitution of India and principles of Natural Justice and for a consequential direction to reinstate him in service.

4. The contentions made in this OA are to be considered by the appellate authority who is a quasi judicial authority. We

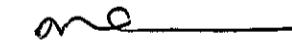
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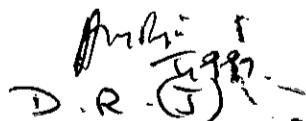
^{our}
have no doubt in mind that the quasi judicial authority will consider all his contentions fully while disposing of his appeal. Though the Bench can decide this OA, even though the applicant has not availed the alternative remedies available, we feel that the applicant will get a quick relief by appealing 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 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. ~~intention 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)
Member (Admn.)
2.9.97


(R. Rangarajan)
Member (Admn.)

Dated : Sept. 2, 97
Dictated in Open Court


D.R. (J)

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Copy to:

1. Commander Works Engineer, Mudford, Secunderabad.
2. Chief Engineer, Hyderabad Zone, MES, Secunderabad.
3. Garrison Engineer, MES, North, Secunderabad.
4. One copy to Mr.K.Venkateswara Rao, Advocate, BAT, Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.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. GARDJAN : M (J)

AND

THE HON'BLE SHRI B.G.JAI PARAMESHWAR:
(M) (J)

Dated: 21/9/97

ORDER/JUDGEMENT

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

in

C.A.NO. 1154/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

A/w copy of

YLKR

II Court

