

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1531/97

DATE OF ORDER : 18-11-1997.

Between :-

A.V.Thomas

... Applicant

And

1. Flag Officer, Commanding-in-Chief, Eastern Naval Command, Head Quarters, Visakhapatnam.
2. General Manager, Naval Armament Depot, Visakhapatnam.

... Respondents

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Counsel for the Applicant : Shri P.B.Vijay Kumar

Counsel for the Respondents : Shri K.Ramulu, CGSC

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri P.B.Vijay Kumar, counsel for the applicant and Ms Shama for Sri K.Ramulu, counsel for the respondents.

2. The applicant was issued with a charge sheet for mis-behaviour. The statement of imputations of mis-conduct is enclosed to the memorandum No.VAE/1111/C/AVT dt.23-4-97/2-6-97 (Annexure-I to the O.A.). In the second article of Charge it is stated that the applicant used some dis-respectful language against Sri J.L.Jonwal, Dy.General Manager, who was sitting with the when the applicant was also present at the time with G.M. General Manager for some discussions on 6-8-96. The above dis-respectful language was objected to by the General Manager and the General Manager asked the applicant to withdraw his statement but the applicant did not act upon the advice of the General Manager. That was also included as violation of Rule 3(1)(ii) (iii) of CCS (Conduct) Rules, 1965, in the charge sheet.

3. The applicant submits that the General Manager, who issued the charge sheet was a party in regard to the charges him alleged against the ~~applicant~~ and he is also one of the witnesses in this case. Hence he requests that the charge sheet either be quashed or a disciplinary authority other than the General Manager may look into the matter and dispose of in accordance with the law.

4. This O.A. is filed praying for quashing the charge sheet dt.2-6-97 issued by Respondent No.2 or direct the respondents to change of <sup>the</sup> Disciplinary Authority by <sup>for</sup> duly holding enquiry

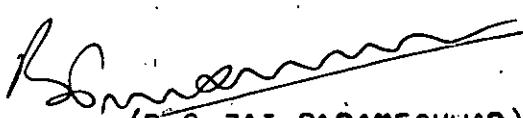
(21)

to enable compliance of principles of natural justice.

5. The issue of charge sheet by General Manager cannot be questioned as he is the head of the institution. But, if the General Manager is also a ~~party~~ <sup>witness</sup> in this case, it is essential that the charge sheet is disposed of by another authority, who is equivalent authority to <sup>the</sup> General Manager to adhere to the principles of natural justice. Just because the General Manager issued <sup>the</sup> charge sheet, it does not lead to the conclusion that the charges framed against the applicant has to be ~~get~~ <sup>set</sup> aside. The only relief that can be given in this OA is that the charge sheet should be disposed of by an authority as stated above instead of the General Manager, who issued the charge sheet.

6. Whether an enquiry has to be conducted or not is a point to be considered by the Disciplinary Authority. The applicant, if so advised, may include this in his explanation and the disciplinary Authority shall take a suitable decision after perusing facts of this case. If the applicant had already submitted a representation without requesting for the enquiry, he may now do so within a period of 10 days from the date of receipt of a copy of this order.

7. The O.A. is disposed of as above at the admission stage itself. No costs.

  
(B.S. JAI PARAMESHWAR)  
18.11.97 Member (J)

  
(R.R. RANGARAJAN)  
Member (A)

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Dated: 18th November, 1997.  
Dictated in Open Court.

  
D.R.

DA.1531/97

Copy to:-

1. The Flag Officer, Commanding - in - Chief, Easter Naval Command, Head Quarters, Visakhapatnam.
2. The General Manager, Naval Armament Depot, Visakhapatnam.
3. One copy to Mr. P.B. Vijaya Kumar, Advocate, CAT., Hyd.
4. One copy to Mr. K. Ramulu, Addl.CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate.

SRR

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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:

18/11/97

ORDER/JUDGMENT

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

in  
O.A.NO. 1531/97

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

