

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

D.A.No.722 OF 1999.DATE OF ORDER:19-5-1999.BETWEEN:

M.Thirupal Naik.

...Applicant

a n d

1. Union of India, represented by its Secretary to Railway Board, Railway Board, New Delhi.
2. General Manager, South Central Railway, Secunderabad.
3. Chief Personnel Officer, Head Quarters Office, South Central Railway, Secunderabad.
4. Railway Recruitment Board, represented by its Chairman, 18, Miller Road, Bangalore.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.N.Rama Mohan Rao

COUNSEL FOR THE RESPONDENTS:: Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

A N D

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.N.Rama Mohan Rao, learned Counsel for the Applicant and Mr.N.R.Devaraj, learned Standing Counsel for the Respondents.

.....2



2. The applicant herein was issued with a memorandum terminating his services, vide the impugned Memorandum No.P.Mech/563/TP/Clerks, dated:30-4-1999, (Annexure.A-10, page.24 to the OA). This termination order is challenged in this OA.

3. It is stated that no show cause notice was issued to the applicant before terminating his services by the impugned memorandum. Such an Order issued without giving an opportunity to the applicant to explain his case is illegal and is against the Principles of Natural Justice. Hence, it has to be held that the impugned memorandum dated:30-4-1999 has been issued without following the extant rules in this connection. Hence, this memorandum has to be set aside. Accordingly, it is set aside.

4. The respondents are at liberty to issue a show cause notice by the Competent Authority who takes a decision for terminating the services of the applicant. While issuing a show cause notice broad details of for issuing such notice should also be included. If such a notice is received by the applicant, the applicant is at liberty to file his reply to that show cause notice. That reply should be considered by the said Competent Authority and pass a Speaking Order. If the final order to be given by the Competent Authority is adverse to the applicant, then that Order should not be implemented for atleast 15 days after the service of that Order to the applicant herein.



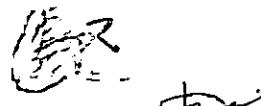
-3-

If the applicant has to challenge the reply then the contentions raised in this OA are kept open for consideration at that time.

5. With the above direction, the OA is disposed of at the admission stage itself. No costs.



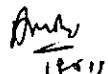
(R.RANGARAJAN)
MEMBER(ADMN)



(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 19th day of May, 1999

Dictated to steno in the Open Court


Amulya
1999

DSN

1ST AND 2ND COURT

COPY TO:-

1. HON'BLE
2. HHRP M(A)
3. HSSP M(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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)

ORDER: 19.5.99

ORDER / JUDGEMENT

MA./RA./CP No.

in

DA. No. 722199

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTS (8 copies)

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

SRR

हिन्दू प्रशासनिक आधिकारिक
Central Administrative Tribunal
मेम्बर / DESPATCH

24 MAY 1999

हैदराबाद न्यायालय
HYDERABAD BENCH

8X3 = 24