

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.801 OF 1999.

DATE OF ORDER:31-5-1999.

BETWEEN:

G.V.Prasad.

.....Applicant

a n d

1. Chief of Naval Staff, Naval Headquarters, Sena Bhawan, New Delhi-110 011.
2. Flag Officer Commanding-in-Chief, Eastern Naval Command, Naval Base, Visakhapatnam-530 014.
3. Director General of Armament Supply, West Block, No.5, 1st floor, Naval Headquarters, Ramakrishnapuram, New Delhi-110 066.
4. General Manager, Naval Armament Depot, Visakhapatnam-530 009.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.P.B.Vijay Kumar

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

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

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

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

Heard Mr.P.B.Vijay Kumar, learned Counsel for the Applicant and Mr.B.Narasimha Sharma, learned Standing Counsel for the Respondents.



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2. The applicant herein was suspended with effect from 24-11-1993, and the higher authority viz., Respondent No.2 herein has confirmed that suspension by Order bearing No.CI/9102/95, dated:13-12-1993, (Annexure.II, page.10 to the OA), as the applicant was detained in Police custody in a case bearing Crime No.68/93 under Section.393 of IPC and 25(1) of Arms Act. The applicant submits that he has been exonerated from the criminal charge by the Competent Court but he was also issued with Charge Memo bearing No.VAE/1111/C/Major /GVP, dated:10-12-1996 (Annexure.1, page.7 to the OA). That Charge Memo is yet to be disposed of. The applicant has been put back to duty by Order No.CE/9102/95, dated:24-6-1998, (Annexure. VIII, page.17 to the OA). It is also stated in that Order that the orders on regularisation of suspension period will be issued separately. The applicant submits that because of the suspension, he has been put to inconvenience as he was not promoted.

3. In view of the above, this OA is filed to quash the Charge Memo dated:10-12-1996, issued by the Respondent No.4, and also for a consequential direction to the respondents to regularise the period of suspension by extending the pay and allowances (difference of pay) all along together with interest and also for a direction to the respondents to release his promotion with effect from 1994-95 or from the date of his entitlement taking into consideration his social status.






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4. The applicant has been issued with a Charge Sheet dated:10-12-1996, hence, he can be promoted only after the Charge Sheet is finalised. As regards the regularisation of suspension period, the Disciplinary Authority has to indicate in the Final Order in regard to the regularisation or otherwise of suspension period. Hence, all the reliefs revolve round the disposal of the Charge Memo dated:10-12-1996. That Charge Memo is a major penalty charge memo. It appears that even the enquiry has not been ordered so far.

5. Hence, the following direction is given:-

"The respondents should dispose of the impugned Charge Sheet dated:10-12-1996, within a period of six months from the date of receipt of a copy of this Order. While disposing of the Charge Sheet, the Disciplinary Authority should clearly indicate as to how the suspension period is regularised. While disposing of the Charge Sheet, the respondents will no doubt keep in mind the observations of the Criminal Court which acquitted him in this case. The applicant is also entitled for the consequential benefits of promotion etc., on the basis of the disposal of the Charge Sheet issued to him."

6. With the above direction, the OA is ordered accordingly at the admission stage itself. No costs.


(B.S. JAI PARAMEGWAR)
MEMBER (JUDL)


(R. RANGARAJAN)
MEMBER (ADMN)

DSN

Dated: this the 31st day of May, 1999
Dictated to steno in the Open Court

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T-24

COPY TO:-

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

1ST AND 2ND COURT

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: 31-5-98

ORDER / JUDGEMENT

MA./RA./CP No. _____

in

DA. No. 2011/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED. *admission*

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

SRR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

16 JUN 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH