

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.808/99.Dt.of Decision : 31-05-99

SVS.N.Murthy

..Applicant.

Vs

1. The Union of India rep. by
the Chief General Manager,
Telecommunications, AP Circle,
Nampally Station Road,
Hyderabad-1.
2. The Dy.General Manager(Admn.),
O/o the General Manager, Telecom
District, Visakhapatnam-50.
3. The Divl.Engineer (SBP),
O/o the General Manager,
Telecom District,
Viskhapatnam-50.

.. Respondents.

Counsel for the applicant : Mr.N.R.Srinivasan

Counsel for the respondents : Mr.V.Rajeswara Rao,Addl.CGSC .

CORAM:-

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

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



..2/-

ORDER

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

None for the applicant. Heard Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant was issued with a minor penalty charge sheet under Rule-16 of the CCS (CCA) Rules, 1965, vide the office memorandum No.Disc/R-16/SVSNM/97-98/1 dated ^{which is cancelled} 20/21-3-98 by the impugned order No.Disc/R-16/SVSNM/97-98/5 (Annexure-7). The disciplinary proceedings initiated against the applicant under Rule-16 of the CCS (CCA) Rules, 1965 by the memorandum dated 21-3-98 has been cancelled without any prejudice to initiate action under Rule-14 of the CCS (CCA) Rules, 1965.

3. The applicant submits that the charge sheet under Rule-16 cannot be cancelled ~~under fresh charge sheet~~ and it cannot be contemplated to issue a fresh charge sheet under Rule-14 without following the extent rules in this connection. He submits that the DG P&T letter clearly indicates that two conditions are to be fulfilled before issuing a fresh charge sheet cancelling the earlier one. They are (1) the reasons for cancelling the earlier charge sheet (2) the intention to initiate further proceedings after cancellation. As the impugned cancellation of the earlier proceedings does not indicate the reason, the impugned order No.Disc/R-16/SVSNM/97-98/5 dated 27-1-99 has to be set aside.

4. This OA is filed praying for a direction to the respondents to restrain them from initiating any fresh disciplinary action against the applicant as contemplated under

-3-

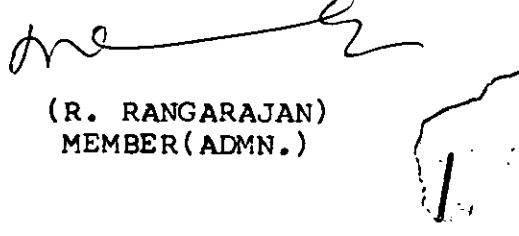
R-3 memo No.Disc/R-16/SVSNM/97-98/5 dated 27-1-99 (Annexure-7) in view of the failure of the R-3 to follow the procedure prescribed under DG P&T, ND letter No.114/324/78-Disc. dated 5-7-79 (Annexure-1) when he cancelled the earlier charge sheet under Memo No.Disc.R/16/SVSNM/97-98/1 dated 20/21-3-98 (Annexure-4).

5. There is ~~not~~ force in the submission of the applicant for cancellation by the impugned order dated 27-1-99. However, ~~xxxxxxxxxxxxxx~~ after setting aside the impugned order dated 27-1-99 we leave it to the respondents to follow the rules as they deem fit and pass necessary further orders.

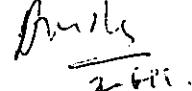
6. Hence, the impugned order No.Disc/R-16/SVSNM/97-98 dated 27-1-99 (Annexure-8) is set aside ^{with} and further ~~direction~~ observation as directed above. The OA is disposed of at the admission stage itself. No costs.


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

31529


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 31st May, 1999.
(Dictated in the Open Court)


Spr

spr

1ST AND 2ND COURT

COPY TO:-

1. HONJ
2. HHRP M(A)
3. HSCP 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: 31-S-99

ORDER / JUDGEMENT

MA./RA./EP NO.

in

OA. NO. 808/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

D.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO CLOSURE

SRR

THE CENTRAL ADMINISTRATIVE TRIBUNAL
Central Administrative Tribunal
HYDERABAD / DESPATCH

14 JUN 1999

HYDERABAD BENCH