

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
HYDERABAD

O.A.No.313 of 1999.

DATE OF ORDER:23-2-2000.

Between:

B.Koteswara Rao.

...Applicant

a n d

1. Superintending Engineer,  
Hyderabad Central Circle-II,  
CPWD, Nirman Bhavan, Sultan Bazar,  
Hyderabad.
2. Superintending Engineer (Inquiry),  
Central Public Works Department,  
Chennai-600 090.
3. Chief Engineer, Head of the Department,  
CPWD, Nirman Bhavan, Sultan Bazar,  
Hyderabad.
4. The Senior Commercial Divisional Manager,  
South Eastern Railway, Visakhapatnam.
5. Executive Engineer, Vijayawada Central  
Division, CPWD, Satyanarayanaapuram,  
Vijayawada.
6. Executive Engineer, Visakhapatnam  
Central Division, CPWD, Karasa,  
NAD post, Visakhapatnam-9.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Y.Subrahmanyam

COUNSEL FOR THE RESPONDENTS:: Mr.V.Rajeshwar Rao

CORAM:

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

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

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: O R D E R :

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

Heard Mr.Y.Subrahmanyam, learned Counsel for the Applicant and Mr.V.Rajeshwar Rao, learned Standing Counsel for the Respondents.

2. While the applicant was working as Head Clerk in Central Division-II, CPWD, Visakhapatnam, certain irregularities were alleged to have been committed by him. In this respect a Charge Memo bearing No.ADG(SR)/Inquiry/5/96/Koteswara Rao, dated 15-7-1998, (Annexure.R-11, to the reply), was issued to the applicant. After conclusion of the enquiry, a report of the Enquiry Officer was furnished to the applicant. The applicant submitted his explanation to the report of the Enquiry Officer.

3. After considering the report of the Enquiry Officer, the Disciplinary Authority viz., Respondent No.1 by his Proceedings No.7(6)98/HCCII/98/Conf./1982, dated 28-12-1998, (Annexure.A-1, page 8 to the OA), imposed the penalty of Censure on the applicant and recovery of Rs.8,300/- from him.

4. The applicant has filed this OA challenging the Order dated 28-12-1998 passed by the Disciplinary Authority in this OA.

5. As per the provisions of the CCS(CCA) Rules, the applicant has a remedy of preferring an appeal against the Order of punishment dated 28-12-1998.

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6. Unless the applicant exhausts the remedy available to him under the rules, he cannot approach this Tribunal by filing the OA. The OA is therefore premature.

7. However, the applicant may, if so advised, submit a detailed memorandum of appeal to the appropriate Appellate Authority within two weeks from the date of receipt of a copy of this Order. If such an appeal is received, then the appropriate Appellate Authority shall consider the said appeal without going into the question of limitation and pass a suitable Speaking Order.

8. With the above direction, the OA is disposed of.  
No order as to costs.

  
( B.S.JAI PARAMESHWAR )  
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MEMBER (JUDL.)  
  
23.2.00

  
( R.RANGARAJAN )  
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MEMBER (ADMN.)

DATED: this the 23rd day of February, 2000

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Dictated in the Open Court

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DSN

