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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.81/99

DATE OF ORDER : 18-01-1999.

Between :-

Khaja Ateeq Ahmed

And

... Applicant

1. The Commander, Works Engineer,
Mudfort, Secunderabad.
2. The Chief Engineer, Hyderabad Zone,
MES, Secunderabad.

... Respondents

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Counsel for the Applicant : Shri K.Venkateshwar Rao

Counsel for the Respondents : Shri P.Phalguna Rao, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri Justice D.H.Nasir, Vice-Chairman).

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... 2.

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

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Heard Sri K.Venkateswara Rao, learned counsel for the applicant and Sri P.Phalguna Rao, learned Standing Counsel for the Respondents.

2. During the year 1988 applicant was appointed as Mazdoor under the respondent organisation through Employment Exchange. He submits that his probation was completed during the year 1992.

3. While working as such he was served with memorandum of charges bearing No. 158/360/E1C dated 06-03-1995 alleging that the applicant at the time of recruitment had produced bogus Employment Registration card and that the details furnished by the applicant at the time of recruitment were not tallying with the documents held by the Employment Exchange.

4. An enquiry was conducted into the said charge. The Inquiry Officer submitted his consolidated report of Inquiry holding that the applicant and 42 other Mazdoors had submitted bogus Employment Exchange card and that the charge is proved.

5. The Disciplinary Authority by its order dt.30-06-1997 accepted the findings of the Inquiry Officer and dismissed the applicant from service.

6. The Inquiry Officer while conducting the enquiry had not properly conducted the enquiry. He had submitted a consolidated report of enquiry including the applicant and other 42

Mazdoors who were similarly charged with. The Inquiry Officer had not stated what particulars he found in so far as the applicant was concerned were not found in conformity with those particulars furnished by him at the time of his registration with the Employment Exchange. He has not given any definite finding that the Employment Exchange card produced by the applicant was a bogus one. We feel the Inquiry Officer has not adhered to the principles of natural justice.

7. After the Disciplinary Authority passed the order dt.30-6-1997 the applicant approached this Tribunal vide O.A.No. 1119/97 . On 27-08-97 this Bench disposed of the O.A. directing the applicant to prefer an appeal. Accordingly the applicant submitted an appeal to the Chief Engineer (Factory), Sec'bad. The Appellate Authority vide its proceedings No. 10548/AF/26/682/E1C dated 10-12-1997 (Annexure-VIII page- 39) confirmed the punishment and dismissed the appeal.

8. The applicant had filed this O.A. challenging the order dated 30-06-1997 passed by the Disciplinary Authority and order dated. 10-12-1997 passed by the Appellate Authority and praying to quash the same and consequential declaration that the applicant is entitled to continue in service from 01-07-1997.

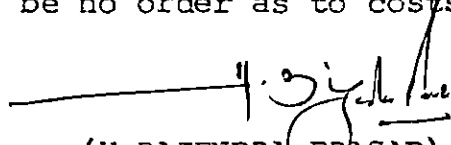
9. The grounds raised in this O.A. are similar to the grounds raised in OA 1354/97 (R.Appa Rao Vs. Chief Engineer, Hyderabad Zone, MES Sec'bad & another decided on 25-06-1998).


10. The grounds on which we set aside the orders of the

Appellate Authority as well as the Disciplinary Authority in OA 1354/97 are clearly applicable in this case also.

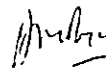
11. Hence we feel it proper to set aside the order of the appellate authority dated 10-12-1997 and the order dated 30-06-1997 passed by the Disciplinary Authority and direct the respondents to conduct a de-novo enquiry from the stage of issuance of charge memo dated 6-3-95 and receipt of a written statement in defence/explanation, if any of the delinquent employee.

12. This OA is disposed of with the above direction. There will be no order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(D.H. NASIR)
Vice-Chairman

Dated: 18th January, 1999.
Dictated in Open Court.


27.1.99

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8/2/99

IST AND IIND COURT

COPY TO:-

1. HDHND ✓
2. HHRR M(A)
3. HBSJP M(J)
4. D.R.(A) ✓
5. SPARE ✓

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN 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)

DATED: 18-1-99

ORDER/ JUDGMENT

~~M.A./R.A./C.P.NO.~~

In

O.A. NO. 81/99

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

SRR

