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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:HYDERABAD

O.A.No.1247 of 1999.

DATE OF ORDER:10-4-2000.

Between:

M.Gopal.

...Applicant

and

Director, Defence Research & Development
Laboratory, Chandrayangutta, Hyderabad.

...Respondent

COUNSEL FOR THE APPLICANT :: Mr.S.Lakshma Reddy

COUNSEL FOR THE RESPONDENT :: Mr.B.Narsimha Sharma

CORAM:

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

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

: ORDER:

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

None for the Applicant.

Heard Mr.M.C.Jacob for Mr.B.Narsimha Sharma, learned/Counsel
for the Respondent.

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2. The OA is disposed of under Rule 15(1) of the CAT (Procedure) Rules.

3. The applicant in this OA was Turner and he was removed from service. However, due to various developments that had taken place, he was finally censured.

4. The applicant has filed this OA praying for a declaration that the action of the respondent in passing the impugned Order No.DRDL/1216/200/C.CELL, dated 28-12-1998, (Annexure.III, page 14 to the OA), by not granting all consequential benefits to the applicant as per FR 54-B read with OM No.11012/85-Estt(A), dated 3-12-1985, in view of major penalty charge memo ending in imposing minor penalty and also in terms of the Judgment in OA.No.1381 of 1996, dated 2-9-1998 is illegal, without jurisdiction, and for a consequential direction to the respondent to grant all consequential benefits including the arrears of pay, seniority, promotion etc., to the applicant herein.

5. In a similar OA, i.e., OA.No.947 of 1999, the same point came up for consideration. In that OA this Tribunal had taken note of the Judgment in TA.No.27 of 1991, OA.No.1381 of 1996 and passed the final order dated 22-2-2000. In that OA the impugned order challenged was dated 8-3-1999, which reads as follows:-

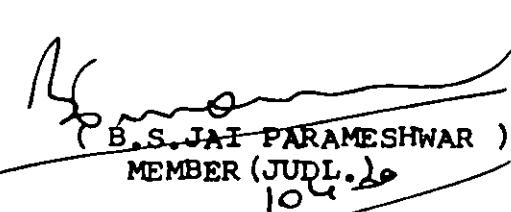
'The period upto the date of suspension counts for increments and seniority. The entire period from the date of suspension till reinstatement also counts for the purpose of calculation of pensionary benefits. The respondent should not recover the subsistence allowance/other payments as per court orders already paid in pursuance of the interim order.'

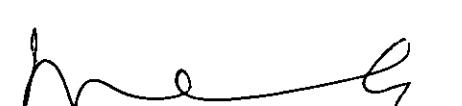
6. Order in
The OA.No.1380 of 1996 filed by the applicant was passed basing on the earlier OA.No.1381 of 1996, which are enclosed as Annexure.II and Annexure.I to the OA. All these OAs were the result of the directions given in TA.No.27 of 1991. The applicant was also filed TA.No.30 of 1991 as similar to TA.No.27 of 1991. The impugned Order dated 28-12-1998 was passed based on these proceedings referred to above.

7. In the similar OA.No.947 of 1999, the prayer reads as follows:-

'This OA is filed to set aside the impugned Order No.DRDL/1216/238/C.Cell, dated 8-3-1999, and for a consequential direction to the respondents for treating the period from the date of suspension to the date of reinstatement by the proceedings of the respondent dated 29-12-1993 as duty in accordance with the rules and in accordance with the Judgment in OA.No.1381 of 1996, dated 2-9-1998.'

8. All the points which are contended in this OA were considered thread-bare in the Judgment dated 22-2-2000 in OA. No.947 of 1999, and came to the conclusion that the applicant therein has not made out a case for the relief. This OA is also for the similar relief and/the reasons stated in the Judgment in OA.No.947 of 1999, dated 22-2-2000, this OA is also liable to be dismissed, and accordingly, it is dismissed. No costs.

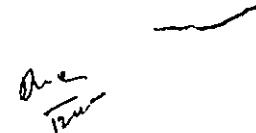

B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)
10/4


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: this the 10th day of April, 2000

Dictated in the Open Court

DSN


Anu
Taru

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HONJ
2. HRRN (ADMN) MEMBER
3. HBSJP (JUDL) MEMBER
4. D.R. (ADMN) ✓
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN) ✓

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL) ✓

DATE OF ORDER 10/4/2000

MA/RA/CP.NO.

IN

DA.NO. 1247199

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.R. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

Central Administrative Tribunal
Hyderabad, Andhra Pradesh
HYDERABAD BENCH

19 APR 2000

RECEIVED/RECEIVED