

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.359 of 1999.

DATE OF ORDER:22-2-2000.

Between:

U.Manmohan.

....Applicant

and

1. Union of India, rep. by its Secretary, Ministry of Defence, New Delhi.
2. The Scientific Advisor to Minister for Defence, and Director-General, DRDO, New Delhi-110 011.
3. The Director, DRDL, Kanchanbagh(Post), DRDL, Kanchanbagh (Post), Hyderabad.

....Respondents



COUNSEL FOR THE APPLICANT :: Mr.N.R.Devaraj

COUNSEL FOR THE RESPONDENTS:: Mr.J.R.Gopal Rao

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 (ADMN.))

Heard Mr.N.R.Devaraj, learned Counsel for the Applicant and Ms.Shakti for Mr.J.R.Gopal Rao, learned Standing Counsel for the Respondents.

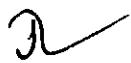
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2. The applicant in this OA was initially punished with the order of removal. Later by the impugned Order No.DRDL/1216/201/C.CELL, dated 28-12-1998, (Annexure.III, page 15 to the OA), the punishment of removal was replaced by the punishment of Censure and that the intervening period of absence was treated as stated in that impugned Order.

3. This OA is filed praying for setting aside the impugned Order dated 28-12-1998, and for a consequential direction to the respondents to treat the entire period from the date of suspension till the date of reinstatement as periods spent on duty with all consequential benefits.

4. The present OA is similar to the OA.No.947 of 1999, which is disposed of today. The only addition in the relief column is that the backwages has also to be paid to him in addition to notional fixation of increments, promotion and seniority. All the contentions raised in OA.No.947 of 1999 are also raised in this OA and the reasons for rejecting those contentions raised by the applicant has ^{ve} been indicated in the Judgment in OA.No.947 of 1999. In addition to the above, the learned Counsel for the Applicant submits that the impugned Order in all these similar OAs viz., OA.No.1387 of 1999, OA.No.947 of 1999 and OA.No.598 of 1999 are ^{the} same. They are ~~stereo-type~~ and hence, the Orders were passed without application of mind repeating the observations made in the Judgment in TA.No.27 of 1991 verbatim.



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5. The above submission was also considered. It is to be pointed out that each case has to be looked into on its own merits and material available on record. If the merits of each case is same and the material available are also similar, then nothing prevents the respondent-authorities to pass an Order even if it is a **stereo-typed** one. The only point for consideration is whether it is a mere repetition of the observations/directions made in TA.No.27 of 1991, which may not have relevance to the issue of the impugned Order dated 28-12-1998. As stated in the previous OA.No.947 of 1999, the benefits asked for in that OA viz., backwages, fixation of notional increments, seniority and promotion had been considered fully in TA. No.27 of 1991 and a clear cut directions have been given. If the respondents follow those clear cut directions, it cannot be said that the respondents had not applied their mind. Further repetition of a Judgment even if it is verbatim in the impugned Order dated 28-12-1998, cannot be a reason for setting aside the impugned Order dated 28-12-1998. As the Judgment in TA.No.27 of 1991 has clearly indicated the reasons for denying certain benefits, the respondents followed that directions. It is also in accordance with the Fundamental Rule(FR) 54(a), where it has been clearly observed that Court orders have to be followed fully. Hence, we find that the contentions raised in this OA in addition to the other contentions raised in the earlier OA.No.947 of 1999 cannot be upheld. Hence, this contention is rejected.

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6. In view of what is stated above, we feel that this OA is only liable to be dismissed and accordingly it is dismissed. No costs.

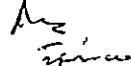

B.S.JAI PARAMESHWAR)
MEMBER (JUDGE)
22.2.2000


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: this the 22nd day of February, 2000

Dictated in the Open Court

DSN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

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

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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 PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 22/2/00

MA/RA/EP NO.

IN

Q.A. NO. 359/00

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

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