

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

D.A.No.504 OF 1999.

DATE OF ORDER:5-4-1999.

BETWEEN:

R.Sudershan.

..... Applicant

a n d

1. The Director, National Institute of Oceanography, Dona-Paula, Goa-403 004.
2. Sri M.Krishna, Senior FAO, Enquiry Officer, National Institute of Oceanography, Dona-Paula, Goa-403 004.
3. Government of India, Rep. by its Secretary, Science and Technology Department, New Delhi.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.V.Ajay Kumar

COUNSEL FOR THE RESPONDENTS :: Mr.C.B.Desai

Mr B.N. Salma -

CORAM:

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

A N D

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

: O R D E R :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.V.Suryanarayana Sastry for Mr.V.Ajay Kumar, learned Counsel for the Applicant and Mr.C.B.Desai, learned Standing Counsel for the Respondents.

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2. The applicant herein while working as Scientist-'B' was served with memorandum of charges, vide Proceedings No.1/973/91-NIO, dated:17-11-1997 in respect of the misconduct alleged in that charge. A detailed enquiry was conducted into and the Enquiry Officer submitted his report dated:11-8-1998. The applicant submitted his representation against the findings of the Enquiry Officer on 3-9-1998.

3. The Disciplinary Authority i.e., Respondent no.1 after considering the representation of the applicant and the enquiry records, agreed with the findings of the Enquiry Officer and imposed the penalty of reduction of pay^{of the applicant} to Rs.8,000/- in the scale of Rs.8000-13500/- for a period of 5 years with effect from the date of the Order and further treated the period^{of suspension} as not entitled for full pay and allowances revoking the suspension order.

4. The applicant has filed this OA challenging the Order passed by the Respondent no.1 bearing No.1/973/91-NIO, dated:5-11-1998, and to quash the same.

5. The applicant submits that the view taken by the Enquiry Officer is perverse and hence, he requests for passing ~~of~~ the suitable Order in this OA.

6. The contentions as raised in the OA can be put forward to the Appellate Authority who ~~is to deal as~~ has ~~has~~ quasi-judicial powers to deal with with those cases. We have no doubt in our mind that the Appellate



Authority will take note of the contentions raised in his appeal and as well as in this OA, and pass a suitable Order.


7. In view of the above, the OA is ordered as under:-

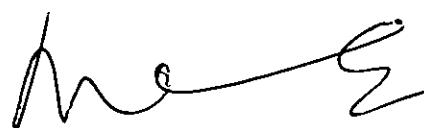
"The applicant, if so advised, may ^{submit} ~~file~~ a detailed appeal to the Appellate Authority within a period of 21 days from the date of receipt of ^a copy of this Order taking all contentions available to him.

If such an appeal is received by the Appellate Authority, then the same should be disposed of within two months from the date of receipt of that appeal. No doubt the applicant is at liberty to approach this Tribunal if he is to be aggrieved by the Appellate Authority Order."

8. The OA is disposed of as above at the admission stage itself. No costs.

The Registry to send a copy of the OA to the Appellate Authority.

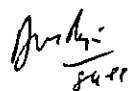

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
S. G. 1


(R. RANGARAJAN)
MEMBER (ADMN)

DATED: this the 5th day of April, 1999

Dictated to steno in the Open Court

DSN


84/99

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSJP M(3)
4. B.R.(A)
5. SPARE

1ST AND 2ND COURT

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 (C)

DATED: 5-4-99

ORDER / JUDGEMENT

MA. / R.A. / C.P. No.

IN

C.A. No. 504/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH

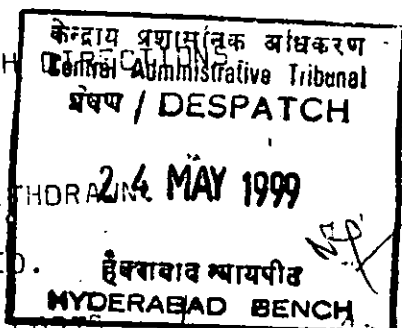
DISMISSED.

DISMISSED AS WITHDRAWN

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

SRR



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