

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/981/2019

Date of Order: 06.11.2019

Between:

C. Chandra Prakash
S/o Ch. Kondaiah
Aged about 45 years,
Occ: Steno Grade-I, Gr. B
O/o Head Quarters Telangana & Andhra Sub Area
Secunderabad – 500 010.
R/o Flat No.202, Spectra Apartments
Near Reliance Fresh, Neredmet X Road
Sainikpuri, Secunderabad – 500094. Applicant

AND

1. Union of India rep by the Chief of Army Staff
Integrated Headquarters, Ministry of Defence (Army)
Sena Bhavan, New Delhi – 110 011.
2. The Deputy Chief of Army Staff
Integrated Headquarters,
Ministry of Defence (Army)
Sena Bhavan, New Delhi – 110 011.
3. The Director General Staff Duties SD-7 (Civ)
Integrated HQ of MOD (Army), DHQ PO, New Delhi.
4. The Director
O/o Directorate General of Staff Duties
SD-7 (Adm Civ) General Staff Branch
Integrated HQ of MOD (Army), DHQ PO, New Delhi.
5. The General Officer Commanding (GOC)
Headquarters Telangana and Andhra Sub Area
Secunderabad, C/o 56 APO
Pin: 900453, Secunderabad-500010. ... Respondents

Counsel for the Applicant ... Dr. A. Raghu Kumar
Counsel for the Respondents ... Mr. A. Praveen Kumar Yadav

CORAM:**Hon'ble Mr. B.V. Sudhakar, Member (Admn.)****ORAL ORDER**

2. The OA has been filed challenging the penalty of compulsory retirement imposed on the applicant.

3. Brief facts of the case are that the applicant joined the respondents organization as Steno. Grade `D' in the year 1997. Applicant was issued a charge memo on 09.10.2013 for being unauthorisedly absent from duty. Applicant submitted his defence on 19.10.2013. Considering the representation, disciplinary authority, has imposed a penalty of censure and treating the period of absence as Extra Ordinary Leave (EOL). After a lapse of one year 3 months, respondents issued a show cause notice on 16.02.2016 to revise the penalty in exercise of powers conferred under Rule 29 of CCS (CCA) Rules, 1965. Against the show cause notice, applicant made a representation on 01.03.2016. Based on the representation, 3rd Respondent imposed the penalty of compulsory retirement on 13.04.2016. Applicant submitted an appeal on 24.05.2016, which is yet to be disposed of.

4. The contentions of the applicant are that the penalty imposed is arbitrary and bad in law. Besides, the penalty has been imposed by an authority beyond his power, jurisdiction and rules.

5. Heard both the counsel and perused the pleadings on record.
6. On an advance copy of the OA received by the counsel, Shri A. Praveen Kumar Yadav, appeared and stated that the applicant has not exhausted the remedies available under the relevant rules.
7. (I) It is noticed that the applicant has submitted an appeal on 24.05.2016. Learned counsel for the applicant has submitted that the appeal has not been disposed despite lapse of 3 years, which is surprising to note. Therefore, although the applicant, as per Section. 20 of the Administrative Tribunals Act, 1985, exhausted the available remedy under the relevant rules by filing an appeal on 24.06.2016, the respondents have not yet disposed of the same.

(II) Consequently, the respondents are directed to dispose of the aforesaid appeal dated 24.06.2016, within 8 weeks from the date of receipt of a copy of this order by issuing a speaking and well reasoned order.

With the above direction, the OA is disposed of at the admission stage with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 6th day of November, 2019

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