

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/946/2019

Dated: 24/10/2019

Between

CS/1055 R. Arjun,
S/o. Ramnath,
Aged 45 years,
Occ: CS/1055 Consv. Safaiwala,
Station Head Quarters, Army
Secunderabad.

R/o.H.No.4-8-90/A,
Sai Nagar, NM Guda, Attapur,
Hyderabad.

... Applicant

And

1. Union of India rep. by
Vice Chief of Army Staff,
Army Head Quarters,
New Delhi.
2. The Station Commander,
Station Head Quarters Cell,
Secunderabad - 800 453
C/o 56 APO.

... Respondents

Counsel for the Applicant : Mr. K. Sudhaker Reddy
Counsel for the Respondents : Mrs. L. Pranathi Reddy, Addl. CGSC.

CORAM :

Hon'ble Ms. Manjula Das, Member (Judl.)
Hon'ble Mrs. Naini Jayaseelan, Member (Admn.)

ORAL ORDER
{Per Hon'ble Ms. Manjula Das, Member (Judl.)}

The instant O.A. is filed for a declaration that the action of the respondents in not reinstating the applicant to service under FR 54-A(1) and not arranging the salary of the applicant w.e.f. 5.4.2019 in pursuance of the judgement in O.A No.441/2019 dated 5.7.2019 is illegal, arbitrary and Article 14 & 21 of the Constitution of India and to direct the respondents to reinstate the applicant into service as per FR 54 A (1) and arrange all consequential benefits such as the arrears of salary w.e.f. 5.4.2019 forthwith.

2. The brief facts of the case are that the applicant was appointed in the year 1996 in the 2nd respondent's office as Conservancy Staff. The respondent through order dated 28.7.2017 issued Memorandum under Rule 14 of CCS (CCA) Rules 1965, levelling two charges against the applicant. It is submitted that the applicant immediately made a representation dated 24.7.2017 stating that the charges levelled against him are vague and ambiguous. The respondents appointed an Inquiry Officer and a Presenting Officer to inquire into the matter. The applicant submitted another representation dated 19.8.2017 stating that written statement of his defence has not been obtained by the respondents before appointing the Inquiry Officer. However, the Inquiry Officer concluded the inquiry and submitted his report on 13.12.2018, holding all the charges as proved. Basing on the said report, the 2nd respondent issued the order of dismissal of the applicant from service vide order dated 5.4.2019.

3. It is further submitted by the applicant that challenging the order of dismissal, he filed O.A. No.441/2019 before this Tribunal. This Tribunal

allowed the said O.A. on 5.7.2019 and set aside the impugned order dated 5.4.2019 issued by the 2nd respondent as without jurisdiction. However, the respondents did not take the applicant into service till date.

4. It is also submitted by the applicant that he made several representations dated 22.7.2019, 21.8.2019 & 13.9.2019 to the respondents but they have not been attended to by the respondents so far.

5. Heard Sri K. Sudhaker Reddy, learned counsel for the applicant and Smt. K. Rajitha representing Smt. L. Pranathi Reddy, learned Standing Counsel for the respondents.

6. Smt. K. Rajitha appearing on behalf of the respondents objected for grant of a direction for disposal of the representations of the applicant.

7. However, we deem it fit and proper to direct the respondents to dispose of the applicant's representations dated 22.7.2019, 21.8.2019 & 13.9.2019 and consider his case. Accordingly, we direct the respondents to dispose of the representations dated 22.7.2019, 21.8.2019 & 13.9.2019 as per law, keeping in view FR 54-A(1), within one month from the date of receipt of a certified copy of this order. It is made clear that the decision so arrived by the authorities, shall be reasoned and speaking and communicated to the applicant forthwith.

8. With the above observation and direction, the O.A. is disposed of at admission stage. No order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

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(MANJULA DAS)
MEMBER (JUDL.)