

**J.Poornachandra Babu Vs. the Senior Divisional Engineer/Co-ord/Gtl**

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**SooperKanoon Citation :** [sooperkanoon.com/938128](http://sooperkanoon.com/938128)

**Court :** Central Administrative Tribunal CAT Hyderabad

**Decided On :** Jul-02-2009

**Judge :** The Honourable Mrs. Bharati Ray Member (Judl.) & the Honourable Mr. Hriday Narain Member (Admn.)

**Appeal No. :** O.A.No.236 of 2008

**Appellant :** J.Poornachandra Babu

**Respondent :** The Senior Divisional Engineer/Co-ord/Gtl

**Advocate for Pet/Ap. :** Counsel for the Applicant : Ramana Allu. Counsel for the Respondent : Mrs.A.P.Lakshmi, SC for Rlys.

**Judgement :**

ORAL ORDER :

( As per Hon'ble Mrs.Bharati Ray, Member (J) )

Heard Mr.Ramana Allu, the learned Counsel for the Applicant and Mrs.A.P.Lakshmi, the learned Standing Counsel for the Respondent.

2. The applicant has approached this Tribunal questioning the removal order No.ADEN/TM/DAR/05, dated 6.6.2006 issued by the Sr.DEN/Coord/GTL, in the capacity of disciplinary authority, a copy of which is annexed as Annexure.A1 at page 11 to the OA.

3. It is the specific case of the applicant that he has not been served with any charge memorandum or with the orders of appointing the inquiry officer and that he has never been informed by the inquiry officer in regard to fixation of the inquiry. No inquiry report has ever been furnished to the applicant. The applicant came to know that the inquiry officer conducted an oral inquiry on 5.11.2005. The applicant was under medical treatment on 5.11.2005 and after medical examination in the Railway Hospital, he was issued with fitness certificate on 5.11.2005. Therefore, it is the case of the applicant that the inquiry officer, without ascertaining the facts conducted exparte inquiry, which amounts to denial of reasonable opportunity to the applicant to defend his case.

4. The respondent in para 9 of their counter reply has stated that as the whereabouts of the applicant were not communicated to the respondent, notices were given at the address given by the applicant, but the same were returned and as per the procedure in vogue, notices were put up on Notice Board, duly attested by two independent witness, as regard to the date of inquiry, appointment of inquiry officer and findings of the inquiry officer, and as there was no response from the applicant, the order of removal was passed by the disciplinary authority. However, in para 10 of their counter-reply the respondent has categorically stated that when the applicant came to the office on 11.1.2008, the order of removal was served on him. The applicant has not preferred any appeal against the order of the disciplinary authority, which he has received on 11.1.2008. The learned Counsel for the Respondents, however, produced before us the record to show that the order was sent to the applicant as mentioned in the counter reply.

5. That being so and in view of the counter-reply filed by the respondents, we find it just and proper to dispose of this application by directing the applicant to prefer an appeal, if he is so advised, against the impugned order of removal dated 6.6.2006 within a period of three weeks from the date of receipt of a copy of this Order, and the appellate authority shall consider the appeal and dispose of the same as per rules after giving the applicant an opportunity of hearing and communicate its order to the applicant within a period of four weeks from the date of receipt of the appeal. However, it is made clear that no appeal can be entertained by the appellate authority after the expiry of the above stipulated time.

The applicant and the respondent are directed accordingly.

6. The OA is disposed of accordingly. There shall be no order as to costs.

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