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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. 632/92

Lucknow this the 8th day of Nov., 1996.

HON. MR. V.K. SETH, MEMBER(A)

HON. MR. D.C. VERMA, MEMBER(J)

Arjun Prasad son of Shri Bharosey, resident of  
Mohalla Tikaitganj Kandaha, house No. 257/24,  
Shanker Dayal Road, Lucknow.

Applicant.

By Advocate None.

versus

1. Union of India through Secretary,  
Telecommunication Sanchar Bhawan, New Delhi.

2. Chief General Manager, Telephones,  
U.P. Circle Lucknow.

3. Divisional Engineer(Telephones) (External)  
163, Shahnajaf Road, Lucknow.

4. Sub Divisional Officer(Phones) North 163,  
Shahnajaf Road, Lucknow.

Opp. parties.

By Advocate Shri K.D. Nag.

O R D E R(ORAL)

HON. MR. V.K. SETH, MEMBER(A)

Vide this O.A. the applicant has prayed for  
directions to respondents for quashing the  
termination order passed against him on 19.8.92  
for alleged offence under section 379 I.P.C.

2. The claim of the applicant has been  
contested by the respondents. Pleadings have been  
exchanged between the two sides which have been  
perused. Record shows that on the last several  
dates nobody has put in appearance on behalf of  
the applicant. We have heard the learned counsel  
for the respondents and proceed to decide the

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case on the basis of his submissions and pleadings on record.

3. According to the averments in the O.A. the applicant was working as casual labour since August, 1982 without break. On 14.4.92 when he was coming home in the evening he was overpowered by some persons and kept under illegal confinement before being taken to Khala Bazar Police Station where the F.I.R. was lodged against him. In the F.I.R. it was alleged that the applicant was found using his telephone pole for keeping a person to make a call unauthorisedly and illegally in Punjab. It was also mentioned in the F.I.R. that the applicant was in possession of a receiver head and bunch of keys. Some other facts were also mentioned.

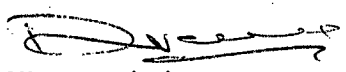
4. The applicant has advanced the grounds of arbitrariness and violation of principles of natural justice in support of his claim. He also asserts that the alleged offence under section 379 I.P.C. is yet to be established in the court of law and that the impugned order violated his fundamental rights.

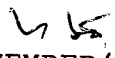
5. It may be mentioned here that earlier, the applicant had filed O.A. 221/92 seeking more or less <sup>same</sup> relief. ~~Vide orders dated 4.8.92.~~ In the said O.A. it was inter alia held that no interference at this stage of show cause notice can be made. However, in view of the fact that show cause has already been issued, the respondents will dispose of the matter. As the reply had already been furnished, the time of two months was provided for the purpose. In compliance of the said order of this Bench the impugned order dated 18.8.92 has been passed by the respondents.

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6. Admittedly, the applicant was a casual labour and this fact is not disputed by him even in his rejoinder. He has only claimed that he had become entitled for regularisation in terms of order of the department of Telecommunication dated 15.2.92. In our view this contention is fallacious and until proper orders for regularisation are issued, no presumption can be raised in terms of the aforesaid letter of C.G.M.T. Obviously, therefore, in view of this position, the safeguard under the statutory service rules are not available to the applicant. The fact that the matter for alleged offence under section 379 I.P.:C. is yet to be disposed of by the competent court is also not in dispute. We also notice that the respondents vide their impugned order have issued a reasoned and speaking order while disposing of the representation of the applicant thus, complying with the principles of natural justice.

7. In the light of the foregoing discussions, we hold that the claim of the applicant lacks force and merit. The O.A. is therefore, hereby dismissed. There shall be no order as to costs.

  
MEMBER(J)

  
MEMBER(A)

Lucknow; Dated: 8.11.96

Shakeel/