

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE 24TH DAY OF FEBRUARY, 1987.

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
Present : Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 1483/86

Shri L.G. Srinivasa,
S/o Ligundaiah,
30 years,
80/4, 9th Cross,
11th Main, Malleeswaram,
Bangalore - 3.

... Applicant.

(Shri T.S. Ramachandra, Advocate)

v.

1. The General Manager,
Telecommunication,
Karnataka Circle,
Bangalore-9.

2. The Asst. General Manager (S&A),
Telecommunication,
Karnataka Circle,
Bangalore-9.

... Respondents

(Shri D.V.S. Kumar, Advocate)

This application having come up for hearing to-day
Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
made the following.

O R D E R

Case called on more than one occasion. On every occasion, the applicant and his learned counsel are absent. Even on the previous two occasions, the applicant and his learned counsel were absent. We find no justification to further adjourn the case. We have, perused the records and heard Shri D.V. Shailendra Kumar, learned counsel for the respondents.

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2. In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985, ('the Act') the applicant has challenged Letter No.R&E/4-4/ST/26/82 dated 12.3.1985 (Annexure-F) of the General Manager, Telecommunications, Karnataka Circle, Bangalore (GM).

3. The applicant claims to be a member of Scheduled Tribe ('ST') called 'Maleru'. On that basis, he was selected to the post of a Transmission Assistant in the Telecommunication Department of the Government of India, and was deputed for training. While he was undergoing training, the G.M. found that he was not a member of a ST called 'Maleru' and therefore, the G.M. by his order dated 12.3.1985 terminated his services, and called upon him to pay a sum of Rs.5,330/- being the sums spent on him on stipend and training. On 3.6.1985, the applicant approached the High Court challenging the said order with a prayer for stay. On 5.6.1985 the High Court issued Rule Nisi, but did not stay the operation of the said order and therefore the same has been enforced. As a result of the same the applicant has not completed the training and is not in service from about 12.3.1985.

4. In their reply, the respondents have set out the circumstances that justified the termination of the applicant. We have no reason to disbelieve any of them. When once we accept the plea of the respondents, the

challenge made by the applicant to the impugned order has necessarily to be rejected. Even otherwise, we see no justification to interfere with the impugned order in so far the same relates to termination at this distance of time. But notwithstanding that, we command to the respondents to waive the amounts claimed from the applicant.

5. On the foregoing discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

Mr. Rukmani
Vice-Chairman
24/2/1987

P. S. W
Member (A)
24/2/87

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