## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

·	O.A. No. T.A. No.	199	198 📆	
	DATE OF DECISION 7-8-87			
1 180			Petitioner	***
y	MKS. R.	trija negodu	Advocate for the	Petitioner(s)
•		Versus		
	Respondent			
-			_Advocate for the Re	espondem(s)
CORAM :	ı			
The Hon'ble Mr.	B. N. Jagas	žnuką:		i
The Hon'ble Mr.	J. Narasia	who prently	,	
	er Reporters of local		ed to see the Judgeme	nt? N

Whether their Lordships wish to see the fair copy of the Judgement? No

Whether it needs to be circulated to other Benches of the Tribunal?

JNH

BNI

MGIPRRND-12 CAT/86-3-12-86-15,000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD

D.A.NO. 199/87.

Date of Order: 7-8-89.

P. Abraham.

...Applicant.

and

- The Telecom District Engineer, Ashoknagar, Guntur-522 050. A.P.
- The Director of Telecommunications, Guntur-522 007. A.P.

... Respondents.

FOR THE APPLICANT: MR. K.S.R.ANJANEYULU: ADVOCATE.

FOR THE RESPONDENTS: MR.PARAMESWARA RAO FOR MR.P.RAMAKRISHNARAJU: SR.CGSC.

CORAM:

HON'BLE MR.B.N. JAYASIMHA: VICE CHAIRMAN

AND

HON'BLE MR.J.NARASIMHA MURTHY: MEMBER(JUDL)

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE VICE CHAIRMAN SRI B.N.JAYASIMHA).

...Contd...

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## O.A.No.199/87.

(Judgment of the Bench delivered by Hon'ble Vice-Chairman, Shri B.N.Jayasimha.)

The applicant herein is a Mazdeer in Telephone

Exchange, Repalle. He filed this application against the

order No.E1/Disc. Case/DS/A/84-85/106 dated 17-6-1986

under which he was reduced from the post of Line Man to Take post of Line Man to Take

While

Engineer, Telecom, Guntur by his Memo No.E1/Disc/Case/DS/PA/

SARR 84-85/2 dated 9-5-84 issued a Memo of charges under

Rule 14 of C.C.S.(C.C.A.)Rules 1965 alleging that the

applicant along with one Sri D.Sudhakara Rao, Technician

Cherukupalli demanded tips from Telephone subscribers and

a complaint to that effect was given by them. It was

applicant

also alleged that the applicant

also alleged denations for the Union of which he is a

Member. After an enquiry, the Disciplinary Authority

imposed a punishment of reduction in rank i.e., from the

post of Lineman to the post of regular Mazdoor and it

was confirmed by the Appellate Authority.

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P3 9/64 18/9/58

The main ground urged by the applicant in challenging these orders are that he was directly recruited as Lineman and never worked as Mazdoor and therefore the reversions as Mazdoor is illegal and H also that the subscribers assaulted the applicant. The and the Department instead of coming to his rescue for pretection harassed him with charge sheet and penal As against the complaint given by the applicant in the course of his official duties to the Sub Inspector of Police, Cherukupalli the miscreants have given a letter of apology addressed to the Sub Divisional Officer, Tenali with a copy te the Sub Inspector of Pelice, Cherukupalli and also to the Union. The Authorities failed to take nete of the same and sought to punish the applicant without any valid and legal grounds. The procedure laid dewn in C.C.S. (C.C.A.) Rules has been grossly violated. There was a denial of reasonable opportunity in net affording the assistance mx to Gevernment servant. There was denial of opportunity in not producing some of the listed decuments in the enquiry and net giving access to additional documents. The exparte enquiry conducted is without justification and liable to be quashed. Although the applicant requested the appellate authority to take note of the procedural and constitutional lapses which were resulted in mis-carriage of justice and W1 rendered justice by setting aside the order of punishment,

it was not done.

The applicant states that in the case of
Sri D.Sudhakar Rao Technican who was also issued a
charge sheet along with the applicant on the same
grounds, the penalty was reduced by the appellate
authority by reverting him to the cadre of lineman
only for a period of eight months. There was,
therefore, discrimination in the matter of imposing
penalty.

We have heard the learned counsel for the Applicant Shri Anjaneyulu and the learned Standing Counsel for the Department.

The main ground urged by Sri Anjaneyulu is

that the applicant could not have been reverted to the

post of a regular Mazdoor to which post he was not

recruited. He was recruited as Line Man in the

year,1974. He relies on the decision in NYADAR SINGH V.

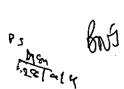
UNION OF INDIA(1) wherein it was held that reduction

of an employee initially recruited to higher time scale

Grade or service or post to a post in a lower time scale,

grade, service or post never held by the employee before

<sup>(1)</sup>A.I.R.1988 S.E. 1979



is not permissible. He also relied on a decision reported in NIRANJAN NAYAK V. SECRETARY IRRIGATION AND POWER DEPARTMENT (Orissa)(2) wherein it was held:

"that an officer cannot be reverted to a post to which he was not originally appointed."

He also relied on a decision reported in BABJI CHARAN ROUT V. STATE OF ORISSA (2) wherein it was held:

"There is no dispute that the petitioner's first appointment was to the grade of Revenue Inspector. The punishment admittedly reduced him to a lower rank than the original appointment. A Bench of this Court in an unreported decision in the case of SANTOSH KUMAR PANDA V. STATE OF ORISSA AND OTHERS took the view that the punishment imposable in a disciplinary action could not be of reversion to a rank lower than the initial recruitment itself."

The decisions relied on by Sri Anjaneyulu fully apply to this case. In these circumstances, the impugned order is set aside and the matter is remitted to the Disciplinary Authority with a



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<sup>(2)1988(2)</sup>A.T.L.T.C.(C.A.T.)31.

<sup>(3)1982(1)</sup>S.L.J.496.

1. The Telecom District Engineer, Ashoknogar, Gundum -5:22650 - A.B.

2. The Director of Toleronnunications, Gustur-522007 AB

3. one copy to Kr. K-S.R. Anjoineyulu, Advocate,

1-1-365/A, Jawahar nagar, Bakaram,

Hidarabad.

4 one copy to Hr Robinsonaulu, Add. case,

5. one spare copy,

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direction to reconsider which other penalty it considers appropriate to impose having regard to the facts and circumstances of the case. With these directions, the application is allowed. No costs.

Dictated in open Court.

(B.N.JAYASIMHA) Vice-Chairman. 7-8-1988.

(J. NARAS IMHAMURTHY)
Member (Judicial)
7--8--1989.

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SSS.