

(86)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 253/89.

Date of Decision : 3.12.91.

~~-F.A.No.-~~

S.R.Ashok Kumar

Petitioner.

Shri T.Jayant

Advocate for the
petitioner (s)

Versus

Union of India, rep. by its Secretary,
Min. of Communications, New Delhi-1 & 3 others

Respondent.

Shri N.Bhaskara Rao, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. T.Chandrasekhar Reddy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HRBS
M(A).

HTCSR
M(J).

(87)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.253/89.

Date of Judgment 3.12.1991.

S.R.Ashok Kumar

... Applicant

Vs.

1. Union of India,
rep. by its Secretary,
Min. of Communications,
New Delhi-1.
2. Member (Personnel),
Telecom. Board,
Dept. of Telecommunications,
Sanchar Bhavan,
New Delhi-110001.
3. Dy. General Manager (P&I),
O/o the General Manager,
Telecom. District,
Hyderabad-500033.
4. Asst. General Manager(Engg),
O/o the General Manager,
Telecom. District,
Hyderabad-500033. .. Respondents

Counsel for the Applicant : Shri T.Jayant

Counsel for the Respondents : Shri N.Bhaskara Rao, Addl.CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhar Reddy : Member(J)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(A)]

This application has been filed by Shri S.R.Ashok Kumar under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, rep. by its Secretary, Min. of Communications, New Delhi-1 and 3 others.

2. At the relevant time the applicant was working as Telephone Office Assistant (T.O.A. for short) in the Telecom District, Hyderabad. He was served a charge-sheet on 8.10.85, an enquiry was held and thereafter vide order dated 11.12.86 (A.15) the applicant was removed from service with immediate effect. The applicant preferred an appeal dated 15.12.86 (A.17). That was rejected on 11.5.87 (A.18)

7.3

P.D.

(58)

Thereafter, the applicant filed review petitions and these were also rejected vide order dated 26.4.88 (A.21). Hence this application praying for setting aside the punishment of removal.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that the applicant was proceeded against for misconduct and after due process^{edure} he was removed from service and the order of removal was further upheld by the appellate as well as the reviewing authority.

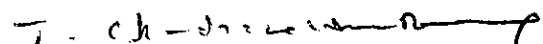
4. We have examined the case and heard the learned counsel for the applicant and the respondents. At the time of hearing the learned counsel for the applicant drew our attention to the fact that a copy of the enquiry report was not furnished to the applicant before imposing the punishment. This is seen from the punishment order dated 11.12.86 wherein it had been stated that a copy of the enquiry report was enclosed thereof. The learned counsel for the applicant pointed out that this attracts the law laid down by the Hon'ble Supreme Court in the case of Union of India & others Vs. Mohd. Ramzan Khan [JT 1990 (4) SC 456]. The respondents in their reply of November, 1989 had contended vide para 15 that it is not necessary to furnish a copy of the enquiry report to the defendant before passing the final order and that this aspect was under consideration by the Full Bench of the Supreme Court. We do not accept this contention in view of the November, 1990 order of the Hon'ble Supreme Court in the case of Union of India & other Vs. Mohd. Ramzan Khan [JT 1990 (4) SC 456]. In the face of the law laid down by the Hon'ble Supreme Court we set aside the order imposing punishment on the applicant as well as the subsequent appellate and revision orders.

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This, however, will not preclude the respondents from supplying a copy of the enquiry report to the applicant and give him an opportunity to make his representation and proceeding to complete the disciplinary proceedings from that stage. The applicant ^{is} allowed to the extent indicated above but in the circumstances we make no order as to costs. If the respondents choose to continue the disciplinary proceedings and complete the same, the manner as to how the period spent in the proceedings should be treated would depend upon the ultimate result. Nothing said herein would affect the decision of the Disciplinary Authority. At the same time, we hasten to add, that this order of the Tribunal is not a direction to necessarily continue the disciplinary proceeding. That is entirely left to the discretion of the Disciplinary Authority.



(R.Balasubramanian)
Member(A).



(T.Chandrasekhar Reddy)
Member(J).

Dated 3rd December, 1991.


Deputy Registrar(J)

To

1. The Secretary, Union of India, Min. of Communications, New Delhi-1.
2. The Member(Personnel), Telecom.Board, Dept. of Telecommunications, Sanchar Bhavan, New Delhi-1.
3. The Deputy General Manager (P&T)
O/o the General Manager, Telecom. District, Hyderabad-33.
4. The Assistant General Manager (Engg),
O/o the General Manager, Telecom. District. Hyderabad-33.
5. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.Bench.
6. One copy to Mr.N.Bhaskara Rao, Addl. CGSC. CAT.Hyd.
7. One sparecopy.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. Chandrasekhar Reddy M(J)

DATED: 3-12-1991

ORDER/ JUDGMENT:

M.A./R.A./C.A. No. _____

in

O.A.No.

253/89

T.A.No. _____

(W.P.No. _____)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions

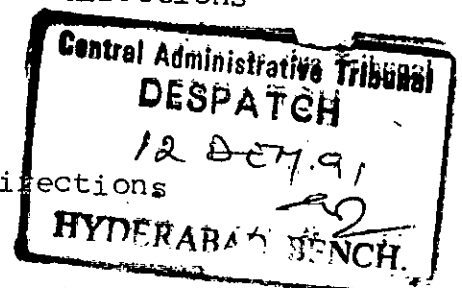
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

In order as to costs.



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DD
4/12/91