

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
WEDNESDAY THE SEVENTH DAY OF JUNE  
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HON'BLE MR. BN. JAYA SIMHA : VICE-CHAIRMAN ✓  
AND

~~THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)~~  
The Hon'ble Mr. S. Varasimha Murthy, Member (J) ✓

ORIGINAL APPLICATION NO. 339 OF 1989 ✓

BETWEEN:-

Shorlapati, Uesra Mani Kumar. ✓

..Applicant ✓

A N D

The Divisional Engineer,  
Telecommunications,  
Rajahmundry Division,  
Rajahmundry - 533 150. ✓

Mr P  
S

...Respondents ✓

O.A.No. 339/89

(Judgment of the Bench as per Hon. Mr. B.N.Jayasimha, V.C.)

The applicant herein was an employee in the Tele-Communications department, Andhra Circle, and his services were terminated under Procs.No. X/QV.250/78-79/44 dated 3.4.1979 (impugned order) by the Divisional Engineer, Telecommunications, Rajahmundry. He has filed this application challenging the above order.

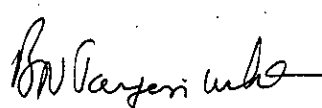
2. The applicant states that in the year 1976, recruitment for Time Scale Clerks was advertised. The minimum qualification prescribed for the said job was a pass in the SSLC. He submitted an application in the prescribed form on 15.4.1976 specifying the marks obtained by him in SSLC as 52% and that he was an Adi Andhra. He was selected and appointed as a Time scale Clerk on 30.3.77. The applicant worked in that capacity till 7.4.1979 when his services were terminated on the ground that ~~his~~ <sup>SSLC</sup> marks furnished by him are bogus and a police complaint was also lodged alleging that he had obtained a job by furnishing a bogus document. The police filed a chargesheet and tried him for the offences U/s 420, 471 and 468 IPC before the JFCM, Rajahmundry in C.C.No. 127/84. The said criminal case ended in his acquittal on 21-7-1988. The applicant has, therefore, filed this application challenging his termination from service made in 1979.


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3. We have heard the learned counsel for the applicant, and Shri N. Bhasker Rao, Addl. CGSC, for the respondents.

4. The impugned order is an order of termination issued under the proviso to sub-rule (1) of rule 5 of C.C.S. (Temporary service) Rules, 1965. The applicant did not file an appeal against this order, or made any representation against it. The fact that a separate criminal case was pending does not bring the case within limitation. The applicant has neither availed <sup>himself of</sup> the alternative remedy, nor challenged the order within a reasonable time. The termination order was passed 3 years prior to the constitution of this Tribunal, and hence under Section 21 of the Administrative Tribunals Act, 1985, this application is time barred and liable to be dismissed as such.

5. In the result, the application is dismissed as time barred. No order as to costs.

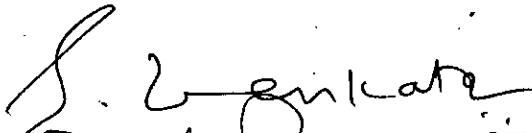
  
(B.N. JAYASIMHA)  
V.C.

  
(J. NARASIMHA MURTHY)  
M(J)

Dated 7th June, 1989

Open court dictation.

dms.

  
Deputy Registrar (J)

