

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.716/89:

Date of Order: 3.2.1992.

BETWEEN :

K.Ananda Rao .. Applicant.

A N D

1. The Union of India,
Rep by the Director
General, Telecommunications,
New Delhi - 110 001.
2. The General Manager,
Hyderabad Telecom District
Suryalok Complex,
Gunfoundry,
Hyderabad - 500 033. .. Respondents.

Counsel for the Applicant .. Mr.JV.Laxmana Rao

Counsel for the Respondents .. Mr.NR.Devraj, ~~Adl CGS~~

CORAM:

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

This is an application filed under Section 19 of the Administrative Tribunals Act by the Applicant herein to direct the respondents to set aside the order dated 25.10.1988 for recovery of alleged excess payment and further to direct the respondents to sanction the E.B. increment of Rs.35/- fallen due to him on 1.5.1984. The facts giving raise to this application in brief may be stated as follows.

2. The applicant is a Group 'B' Officer working in the Telephone Department. He was first appointed on 17.7.1966 and later on promoted as Assistant Engineer with effect from 1.5.1978. In the years 1980-81 and 1981-82 certain adverse

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T. C. N. J.

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remarks were communicated to the applicant. As against the said adverse remarks the applicant seems to have preferred representations to the Competent Authority for expunging the same. Pending decision by the Competent Authority of the representations of the applicant to expunge the said Adverse remarks, by mistake on 1.5.1984 an increment of Rs.35/- (E.B.) seems to have been released to the applicant by the concerned authorities raising ^{the} pay of the applicant from Rs.845/- to Rs.880/-. After realising the said mistake of the release of Rs.35/- increment (E.B.) the Department had passed the impugned order dated 25.10.1988 for recovery of the alleged excess payment made to the applicant towards his salary. As already pointed out it is the said order that is questioned in this OA.

3. Mr. JV. Laxmana Rao, Advocate for the applicant and Mr. NR. Devraj, Advocate for the respondents are heard. During the course of hearing of this OA, Mr. NR. Devraj produced the relevant file of the applicant with regard to the expunging of the remarks for the years 1980-81 and 1981-82. From the file that is produced, it is quite evident that an order dated 30.3.1990 had been passed by the Competent Authority, informing the applicant that his representations against adverse remarks regarding his Annual Confidential Reports for the year 1980-81 and 1981-82 have been considered and that the same have been rejected. In view of the said orders dated 30.3.1990 passed by the Competent Authority rejecting the representation of the applicant nothing survives for consideration in this OA and hence this OA becomes infructuous and this OA is liable to be dismissed as infructuous and accordingly dismissed as infructuous.

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4. This OA had been admitted on 18.9.1989. At the time of admission of this OA the Tribunal has ordered stay of recovery of alleged excess payment of the applicant till the disposal of this OA. Eventhough this OA is disposed of today, Mr.J.V.Laxma Rao, Advocate for the applicant represents that he will be questioning the said orders dated 13.3.1990, before the Competent Authority, rejecting his representations for expunging the said Adverse remarks and so to extend the said stay orders for a month. In view of the said representations, the learned counsel for the applicant we extend the said orders passed by this Tribunal on 18.9.1989 to stay ~~of~~ recovery of the excess payment till the end of March, 1992. Furnish a copy of the order to Mr.J.V.Laxma Rao, Advocate for the applicant at his request within 2 days.

T. Chandrasekhar Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 3rd February, 1992.

(Dictated in the Open Court)

84/2/92
Deputy Registrar (S)

To

1. The Director General, Union of India, Telecommunications, New Delhi-1.
2. The General Manager, Hyderabad Telecom District Suryalok Complex, Gunfoundry, Hyderabad-33.
3. One copy to Mr.J.V.Laxma Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Addl. CGSC CAT.Hyd.
sd
5. One spare copy.

pvm.

13/10/92
11/2/92

4/7/92
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TYPED BY
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To be furnished
on 5/7/92
COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.
THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)
AND
THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
M(JUDL)
AND
THE HON'BLE MR.C.J.ROY MEMBER(JUDL)

DATED: 3 - 2 - 1992

ORDER/JUDGMENT:

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

in

O.A.No. 716/89

T.R.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

No order as to costs.

EVM.

