

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 944 of 1989

DATE OF ORDER: 29/12/1989

G. Onamappa

..Applicant

versus

The SDO, Telecom,
Nagar Kurnool and others

..Respondents

.....

For Applicant:

Mr. C. Suryanarayana Advocate.

For Respondents:

Mr. N. Bhaskara Rao,
Addl. CGSC

....

C O R A M:

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

HON'BLE SHRI J.N. MURTHY: MEMBER (JUDICIAL)

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(Judgment delivered by Shri B.N. Jayasimha, Vice Chairman)

1. The applicant is a Store-Lineman, Nagar Kurnool, under Technician Training at The Regional Telecom Training Centre, Secunderabad. He has filed this application against the order No.X-1/SDOT/NKL/Disc/89-90/20, dated 27-11-1989 passed by the Sub-Divisional Officer, Telecom, Nagarkurnool (1st respondent), placing the applicant under suspension with immediate effect and consequently causing his discharge from the Training class.

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2. The applicant states that he was initially appointed as Lineman in Nagarkurnool Sub-Division on 3-9-1983. He was transferred as Store Lineman in the 1st respondent's office on 27-11-1983 and he had been functioning as such till 23-4-1989. He appeared for the Competitive Examination for promotion of Departmental Candidates as Technicians, held in September, 1988. He succeeded in the examination and consequently he was relieved on 23-4-1989 with orders to report for Technician Training at the Regional Telecom Training Centre, Secunderabad with effect from 24-4-1989. The applicant joined the Training class on 24-4-1989. The duration of the training period is 9 months and is due to be completed in January, 1990 and it follows by 3 months practical training in the field.

3. By the impugned order dated 27-11-1989, the applicant was placed under suspension, as a consequence of which the 2nd respondent also passed the order dated 27-11-1989 discharging him from the Training Centre. The applicant states that he came to know that during the last week of October, 1989, the Vigilance Officer i.e. 3rd respondent visited Nagarkurnool and took away the records maintained by the Store Lineman including the records maintained by the applicant during his tenure as Store Lineman. It appears that against item of 'drop wire' while the relevant voucher shows that a quantity of 6.6 km wire was received, the entry in the Register was only 2.2 km and that the remaining drop wire amount to 4.4km was missing. The applicant states that the order of suspension is due to the discovery of shortage. The applicant has, therefore, filed this application.

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4. The respondents have filed a counter giving the circumstances under which the applicant was placed under suspension.

5. We have heard Sri C.Suryanarayana, learned counsel for the applicant and Shri N.Bhaskar Rao, Standing Counsel for the Department.

6. It is seen that the applicant has been placed under suspension pending contemplated disciplinary proceedings under Rule 19(1) of the CCS(CCA) Rules. What Shri Suryanarayana urges before us is that the applicant is now undergoing training and if the training is interrupted, he would have to restart the training once again after the disciplinary proceedings are over. The applicant has infact completed 8 months' training and one more month's training is left for him to complete. He, therefore, urges that the applicant while still under suspension should be permitted to complete the training and allowing the applicant to complete the training would not prejudice the disciplinary proceedings against the applicant. Shri Bhaskar Rao, on the other hand, contends that the applicant has come to this Tribunal without making any representation to the department and hasnot exhausted ~~other~~ ~~at~~ remedies available to him. The application should be rejected on this ground alone. He further contends that the applicant is not required to undergo the training in respect of the subjects which have already been covered by him during the period of training he

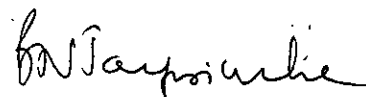
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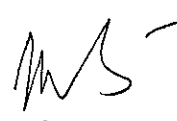
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has already undergone. After the disciplinary proceedings are over, the applicant will be allowed to complete the balance training only and he will be imparted training in the subjects which he has not completed. He, therefore, urges that the contention of ~~Mr~~ Shri Suryanarayana, that the applicant has to restart the training from the beginning is not correct.

7. We have considered the above submissions. In view of the circumstances stated above, we do not find that the applicant has made out any case for our intervention at this stage. We, however, direct that after the disciplinary proceedings are over, the applicant will be allowed to complete the training only ^{in the} ~~to the~~ ^{respect of} remaining ~~of~~ portion of the training. The application is disposed of accordingly. No costs.


(B.N. JAYASIMHA)
VICE CHAIRMAN


(J.N. MURTHY)
MEMBER (JUDICIAL)

DT. 29th December, 1989.

SQH*


DEPUTY REGISTRAR (J).

15.1.90.


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TO:

1. The Sub-Divisional Officer, Telecom., Nagarkurnool-509 209.
2. The Principal, Regional Telecom., Training Centre, Secunderabad-500 003.
3. The Vigilance officer, office of the Chief General Manager, Telecom., A.P. Hyderabad.-500 001.
4. The Director-General, Telecom., (representing U.O.I.) New Delhi-110 001.
5. One copy to Mr. C. Suryanarayana, Advocate, 1-2-593/50 Sri Nilayam, Sri Sri Marg, Gaganmahal, Hyderabad-500 029.
6. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
7. One spare copy.

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kj.


15/1/90

Draft by: Checked by: Approved by
D.R.(J)

Typed by: -- Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.) ✓

AND

~~HON'BLE MR.D.SURYA RAO: MEMBER (JUDL)~~

AND

~~HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)~~

AND

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

DATED: 29-12-89

~~ORDER~~/JUDGMENT

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

T.A.No. (W.P.No.)

O.A.No. 944/89

~~Admitted and Interim directions
issued.~~

~~Allowed.~~

~~Dismissed.~~

~~Disposed of with direction.~~ No costs

~~M.A. Ordered.~~

~~No order as to costs.~~

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