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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.178/90.

Date of Judgment 13-3-92.

P.Gnaneswara Rao

.. Applicant

Vs.

Union of India, Rep. by

1. The Secy., to Govt., &
Chairman,
Telecom. Commission,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Hyderabad.
3. The Telecom. District Engineer,
Telecom. District,
W.G., Eluru.
4. The Divl. Engineer, Telecom.,
Eluru.
5. Shri K.Satyanarayana,
J.E. Carrier Station,
Telephone Exchange, Eluru
- Inquiry Officer, Eluru.. Respondents

Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri N.V.Ramana, Addl. CGSC

CORAM:

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

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

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

This application has been filed by Shri P.Gnaneswara Rao under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, Rep. by the Secy., to Govt., & Chairman, Telecom. Commission, New Delhi & 4 others, with a prayer to quash the Memo No.E/Disc/PGR/88-89 dt. 30.9.88 by declaring it as arbitrary and illegal.

2. The applicant was recruited as Telecom. Office Assistant in the Eluru Telecom. Division for the 2nd half year of 1980.

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He was appointed on 3.2.81. By a memo dt. 12.2.86, the Divl. Engineer Telecom., Eluru charged the applicant with furnishing wrong information regarding the school in which he has studied the S.S.C. and regarding the percentage of marks. Thereafter, an enquiry was conducted and finally by the memo dt. 30.9.88 the applicant was dismissed from service. The applicant preferred an appeal on 13.11.88 and the same was not disposed of till the time of filing this application in March, 1990. Hence, this application. ~~of his~~.

3. There is no counter affidavit in this case.
4. At the time of hearing, the learned counsel for the applicant Shri K.S.R.Anjaneyulu pointed out that a copy of the enquiry report was not given before the punishment order was passed and that it attracted the law laid down by the Hon'ble Supreme Court in the case of Union of India & others Vs. Mohd. Ramzan Khan (AIR 1991 SC 476). This fact was not disputed and we find from the copy of the punishment order that the copy of the enquiry report was given only alongwith the punishment order. This ~~certainly~~ attracts the law laid down by the Hon'ble Supreme Court holding that under such circumstances principles of natural justice had not been met. We are, therefore, to quash the order and we accordingly quash the punishment order and appellate order, if any, issued in the meantime. 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 application 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.

Rishabhramanam

(R.Balasubramanian)
Member(A).

T-ct-dna-m

(T.Chandrasekhara Reddy
Member(J).)

Dated: March, 1992.

Deputy Registrar (Judl.)

Copy to:-

1. The Secretary, to Government & Chairman, Telecom Commission, New Delhi.
2. The Chief General Manager, Telecommunications, Hyderabad.
3. The Telecom District Engineer, Telecom District, Eluru, West Godavari.
4. The Divisional Engineer, Telecom, Eluru.
5. Sri. K.Satyanarayana, J.E. Carrier Station Telephone Exchange, Eluru Inquiry Officer, Eluru.
6. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
7. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
8. One spare copy.

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CHECKED 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: 13/3/1992 ✓

ORDER/JUDGMENT: ✓

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

in

O.A.No. 178790

P.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

No order as to costs.

