

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH AT : HYDERABAD

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O.A. No.427/90

Date of order:24.9.1990

BETWEEN

V. Subba Reddy

.. Applicant

Vs.

1. Divisional Engineer,
Telecom Maintenance(Internal),
Guntur.

2. Divisional Officer, Engg.
Maintenance (Internal)
% The Dy.General Manager,
Telecom, Kothapet, Guntur.

.. Respondents

APPEARANCE

For the applicant : Shri S. Suryaprakasa Rao,
Advocate

For the Respondents : Shri E. Madan Mohan Rao,
Addl. Standing Counsel for
Central Government.

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CORAM

THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE SHRI J. NARASIMHA MURTHY, MEMBER (JUDL.)

(Judgement of the Bench delivered by Shri B.N.Jayasimha)
Hon'ble Vice Chairman

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The applicant challenges the impugned order, amongst others, on the ground that the Divl. Engineer, Telecom, Guntur is not competent to initiate disciplinary proceedings against him and to pass order dismissing him from service. He contends that in as much as ~~the~~ his appointment was made by the Dy. General Manager, the Divisional Engineer who is lower in rank to Dy. General Manager could not have passed order removing him from service.

3. The respondents have filed a counter.

We have heard Shri S. Suryaprakasa Rao, learned counsel for the applicant and Shri E. Madan Mohan Rao, Addl. Standing Counsel for the respondents. We find on a perusal of the order dt.4.4.1984, the applicant was appointed by the Dy.General Manager and the contention of the applicant that the Divl. Engineer is not competent to initiate disciplinary proceedings and to pass an order of dismissal, has to be upheld. In the result, the application is allowed and the impugned order No.X/DEN(I)/VSR/90-91/1 dt.4.5.90 is set aside and the applicant shall be reinstated with all consequential benefits. However, this order does not preclude the Department from initiating action against the applicant in accordance with the rules and taking such action as may then consider fit. The application is allowed to

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This application is from a Telephone Supervisor, in the office of the Divisional Engineer, Telecom., Maintenance (Internal) Guntur. He has filed this application questioning the orders passed by the Divisional Engineer, Telecom, Maintenance (Internal), Guntur in his order dated 4.5.1990 dismissing the applicant from service.

2. The applicant states that he was appointed as a Telephone Operator in the year 1956 and was promoted as Telephone Supervisor by an order of Dy.General Manager, Telecommunications, AP Hyderabad vide No. TA/STB/13-2/84 dt.4.4.1984, w.e.f. 1.12.1983. He was promoted to this post on the basis of recommendations of the D.P.C., He was suspended from duty w.e.f., 21.10.1988 on a complaint made by a Telephone Supervisor on duty to the effect that the applicant assaulted him on 20.10.1988. The suspension order was revoked by order dt.15.12.88 without giving any reason. A charge memo dt.14.12.88 was issued to the applicant. The applicant denied the charges and the respondent was No.2/appointed as Enquiry Officer who examined as many as 27 witnesses during the enquiry. Based on a very insufficient evidence the Enquiry Officer submitted his report holding that the charges were proved. Based on the report of the Enquiry Officer, the Divisional Engineer Telecom, Maintenance (Internal) issued the impugned order dismissing the applicant from service.

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the extent stated above. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

MS
(J. NARASIMHA MURTHY)
MEMBER (JUDICIAL)

Dictated in the open court

Dt. 24th Sept. 1990.

S. S. Srinivasan
Sd/Deputy Registrar (Judl)

To

1. The Divisional Engineer,
Telecom Maintenance (Internal),
Guntur.
2. The Divisional Officer, Engg.
Maintenance (Internal)
O/o The Dy. General Manager,
Telecom, Kothapet, Guntur.
3. One copy to Mr. S. Suryaprakasa Rao, Advocate
1-9.485/15/B 'RAMYA' Lalitnagar Lecturers Colony, Vidyanagar, Hyd.
4. One copy to Mr. E. Madanmohan Rao, Addl. CGSC.
5. One copy to Hon'ble Mr. J. Narasimha Murthy, Member (J) Hyd. Bench.
6. One spare copy.

RAJ & Co
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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

~~THE HON'BLE MR. D. SURYA RAO : M(J)~~

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

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

DATE: 24-9-90

~~ORDER~~ / JUDGEMENT:

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

in

T.A. No.

W.P. No.

O.A. No.

427/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

