

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

D.A.No.492 of 1990

Date of order:27-6-90

Between:-

B.Venkataswamy:

...Applicant.

and

1. The Divisional officer, Telegraph Traffic division, Kurnool, Kurnool district.
2. The Asst. Superintendent, Telegraph Traffic D.T.O., Chittoor, Chittoor district.

...Respondents.

FOR THE APPLICANT : Mr.S.V.Muni Reddy, Advocate.

FOR THE RESPONDENTS : Mr.N.Bhaskara Rao, Addl.CGSC.

CORAM: THE HON'BLE MR.B.N.JAYASIMHA: VICE CHAIRMAN.
THE HON'BLE MR.D.SURYA RAO: MEMBER;(JUDL)

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

The applicant herein was appointed as part-time watch-man in the office of Asst.Superintendent, Telegraph Traffic, DTO, Chittoor by the proceedings No.E-9/80-81 dated 31-12-1981 issued by the respondent No.2. His services were terminated from 18-3-1983. He was again appointed as part time whatchman with effect from the fore-noon of 1-4-1984. His scale of pay was fixed at Rs.144-90 ps. The applicant states that the respondent No.2 issued orders E-9/90-91 dt. 1-6-90 to the effect that the services of the applicant as part-time watchman are terminated with effect from 1-7-1990 consequent on his attaining 60 years of age. Applicant further states that his Date of birth is 29-3-1936 and his present age is 54 years 3 months only. He therefore seeks to question the order of the respondent No.2 dt. 1-6-90 as illegal and violative of his rights. He states that before an order is passed, an opportunity should also be given.

2. We have heard the learned counsel for the applicant Shri S.V.Muni Reddy and Shri Naram Bhaskar Rao, Addl.Standing counsel for Central government, who took notice on behalf of the respondents on our direction. Shri Bhaskar Rao opposes the application on the ground that the applicant has an alternative remedy by way of a representation against the impugned order and the application is premature under section 20 of the A.T.Act, 1985. The learned counsel for the applicant states that

contd..

as the applicant's services are sought to be terminated with effect from 1-7-90, he has no other remedy but to file this application. After considering the submissions made, we direct that the applicant shall submit his representation to the respondent No.1 i.e. The Divisional officer, Telegraph Traffic division, Kurnool, within two weeks from today and till the representation is disposed of by the respondents, the applicant shall be continued in service in the post which he is currently holding now. The application is disposed of with the above directions. There will be no order as to costs.

On file and kept
For Deputy Registrar (C) 27/6/90

To:

1. The Divisional officer, Telegraph Traffic division, Kurnool, Kurnool dist.
2. The Asst. Superintendent, Telegraph Traffic D.T.O. Chittoor, Chittoor dist.
3. One copy to Mr. S. V. Muni Swamy, Advocate, 16-8-240/6D, Malekpet, Hyderabad-500 036.
4. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
5. One spare copy.

...

k.j.

Patel
27/6/90

27/6/90
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:MEMBER(JUDL.)
AND
THE HON'BLE MR.J.NARASIMHAMURTHY:M(J)
AND
THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

DATE : 26-6-90

ORDER / JUDGMENT

D.A./R.A./G.A./No. in

T.A.No.

W.P.No.

D.A.No. 492/90

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.

