

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH AT: HYDERABAD

O.A. No.575/90

Date of order: 23.7.'90

BETWEEN

G. Vishnuvardhana Raju,
Junior Enginner (Civil),
% The Telecom Dist.Engineer,
Tirupati.

.. Applicant

Versus

1. The Chairman,
Telecommunications Commission,
New Delhi.

2. The Chief General Manager,
Telecommunications,Hyderabad.

3. The Superintendent Engineer,
Telecom Civil Circle,
Chikkadpally, Hyderabad.

4. The Telecom Dist. Manager,
Tirupati.

5. The Divisional Engineer,
Telecom Office of T.D.M.,
Tirupati.

6. Asst. Engineer,
Telecom Civil Sub-Division,
Sripuram Colony,
Tirupati.

.. Respondents

APPEARANCE

For the applicant : Shri K.S.R. Anjaneyulu, Advocate

For the Respondents : Shri Naram Bhaskara Rao, Addl.
Standing Counsel for Central Govt.

CORAM

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

THE HON'BLE SHRI D. SURYA RAO, MEMBER(JUDICIAL)

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

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1. The applicant herein was a Junior Engineer (Civil) Telecom District Nalgonda, transferred to Telecom Civil Sub-division, Tirupati, by an order of Superintending Engineer, Telecom Civil Circle, Hyderabad in his letter no.21(8)/SEHD/90/120, dated 23-4-1990. He has filed this application being aggrieved by the refusal of the Divisional Engineer, Telecom, Tirupati to admit him to duty.

2. The following chronology of the events will speak for the case of the applicant:

23-4-1990: Applicant was transferred to Telecom Civil Sub-division, Tirupati by the 3rd respondent.

2-5-1990: Applicant was relieved by the Telecom District Engineer, Nalgonda.

4-5-1990: Applicant reported for duty in the office of Telecom Civil Sub-division, Tirupati.

2-6-1990: The 3rd respondent issued order in modification of the earlier order dated 23-4-90 and posted the applicant from Telecom Civil Sub-division, Tirupati to Telecom District Engineers, Tirupati, with immediate effect.

8-6-1990: The applicant was relieved by the AE (Civil) with a direction to report to the Telecom District Engineer, Tirupati i.e. respondent no.5 who is now functioning as Divisional Engineer.

11-6-1990: The applicant reported for duty to the 5th respondent, but the latter did not give him charge of the JE (Civil) post.

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11-6-1990: The applicant sent a representation to the 3rd respondent with a copy to the 4th respondent and the Chief General Manager, Telecom, Hyderabad.

15-6-1990: The joining report was returned to the applicant by Respondent no.5. Applicant represented to the Superintendent Engineer.

30-6-1990: The applicant was not paid salary. He was informed by the Accounts Officer in the office of the 5th respondent that his salary was not drawn. The applicant gave a representation to the Telecom District Manager, Tirupati (R-5) stating that he came to Tirupati on transfer only in May, 1990 and he cannot stay with his family without salary and he is put to hardship.

2-7-1990: The applicant sent a telegram to the Chief General Manager, Telecom, Hyderabad and to the Superintending Engineer, Telecom Civil Circle, Hyderabad with a copy to the 5th respondent seeking immediate intervention.

3-7-1990: Applicant gave another telegram to the General Manager, Telecom, Hyderabad requesting disbursement of salary.

In this background, the applicant has filed this application stating that he is illegally prevented from joining duty and salary denied to him for no fault of his. He seeks direction to respondents to pay him the salary for the month of June, 1990 immediately.

3. This case has come up for admission on 18-7-1990. We directed the case to be posted today

To

1. The Chairman,
Telecommunications Commission,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Hyderabad.
3. The Superintendent Engineer,
Telecom Civil Circle,
Chikkadapally, Hyderabad.
4. The Telecom Dist. Manager,
Tirupati.
5. The Divisional Engineer,
Telecom Office of T.D.M.,
Tirupathi.
6. The Assistant Engineer,
Telecom Civil Sub-Division,
Sripuram Colony,
Tirupati.
7. One copy to Mr.K.S.R.Anjaneyulu, Advocate. 1-1-565/1
Jawaharnagar, Hyderabad - 500020
8. One copy to Mr.N.Bhaskara Rao, Addl.CGSC. CAT.Hyd.Bench.
9. One spare copy.

pvm

Ans
27/1

so that the learned Standing Counsel to the Government could get necessary instructions in the matter.

4. We have heard Shri K.S.R. Anjaneyulu, learned counsel for the applicant and Shri Naram Bhaskar Rao, Addl. Standing Counsel for Central Govt. Shri Bhaskar Rao states that the Superintendent Engineer who is the authority to pass the order of transfer had issued the order posting the applicant to Tirupati and it is the duty of respondents 4 and 5 to implement the same. The department is taking action in the matter. In the circumstances, the application has to be allowed. The applicant shall be deemed to have been admitted to duty in the office of the 5th respondent from the date he reported to duty in his office i.e., 11-6-1990. The salary for the month of June shall be drawn and paid to the applicant within one week from today.

5. The case makes a sad comment on the heirarchical discipline. The callous attitude of respondent no.5 is not implementing a validly passed order and putting a junior official to hardship and humiliation should have been dealt with by Respondents 2 and 3 even before the applicant came before us. A copy of our judgment will be sent to the Chairman, Telecom Commission, New Delhi and also to the Chief General Manager, Telecom, Hyderabad.

6. The application is allowed as above. No costs.

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

(dictated in open court)

D.Surya Rao
(D.SURYA RAO)
MEMBER (J)

DT.23rd July, 1990.

Mvs/SQH*

D.Surya Rao
for DEPUTY REGISTRAR (JUL)

.....

RK 277

DWS

CHECKED BY

APPROVED BY

TEMPED 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(J)

AND

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

AND

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

DATE: 23/7/90

ORDER/JUDGMENT:

T.A./ R.A/C2A/No. in

T.A.No.

W.P.No.

O.A.No.

575/90

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.

