

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA No.969/90.

Date of Judgment: 23.1.91.

S.Venugopal

...Applicant

Vs.

1. General Manager, Heavy Water Project,
Department of Atomic Energy, Manuguru,
Khammam District.

2. Construction Manager, Department of
Atomic Energy, Heavy Water Project,
Manugur, Khammam District.

...Respondents

Counsel for the Applicant : Shri S.Laxma Reddy

Counsel for the Respondents : Shri E.Madan Mohan Rao,
Addl.CGSC

CORAM:

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

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

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

The applicant who was a Category-II fitter in the
Heave Water Project, Manuguru, Khammam District has filed
this application against the order passed by the Construc-
tion Manager, Heave Water Project, in his order No.1(2)/14
(1)/29/86-Rectt/8106 dt.30-9-1986.

2. The applicant states that he has passed the I.T.I.
as a Fitter from the Industrial Training Institute, Kotha-
gudem during the years 1981-83. He has registered himself
in the Employment Exchange, Kotha-gudem. The name of the
applicant was sponsored by the Employment Exchange in
response to a request from the Respondents. Interviews
was conducted in the month of December, 1985 and a select
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list was published on 30.12.1985. The applicant was sent initially for training in Rashtriya Chemical Fertiliser, Chemburu Training Centre in Maharashtra and after completion of six months training, he was transferred to Manuguru plant for the remaining six months training.

3. On 18.⁸6.1986, three other trainees i.e., Md. Yakub Ali, K.Ramesh, Deen Dayal, who were also staying in the Hostel attached to the plant assaulted the applicant and the applicant gave a police complaint against them on 19.8.1986 and the same was registered as Crime No.55/86 under Section 324 I.P.C. Subsequently Criminal Case No. 720/87 was filed in the Court of Additional Munsif Magistrate at Kothagudem. While this matter was pending the applicant was discharged from service while continuing the co-trainees. The Respondent No.2 informed the applicant at the time of his discharge that ^{since} the Criminal Case is pending, the applicant was discharged and after the disposal of the Criminal Case, if he is acquitted, he would be taken back to duty. Believing this statement of the 2nd respondent, the applicant pursued the Criminal Case. The Criminal Case ended in conviction of the accused. However, they were let off with an admonition under Section 3 of the P.O.Act in Judgment dated 21.2.1989 of the Additional Munsif Magistrate, Kothagudem. Thereafter, the applicant submitted his representation but the respondents did not give any reply. He submitted a further representation on 5.6.1989 and as he did not get any reply, he submitted a representation to the Industrial Relations Officer of the Heavy Water Project on 3.3.1990 and again on 9.6.1990. When he did not get any reply, the applicant filed an

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Industrial Dispute before the Labour Court on 21.5.1990 and the same was returned on the ground that an Industrial Dispute is not maintainable as the respondents industry is a Central Government undertaking. Hence, he has filed this application.

4. The respondents in their counter say that the project had spent heavy amount on the applicant in training him in the Rashtriya Chemical Fertilizers, Bombay in order to train him in the sophisticated and complete areas of operations involved in the plant. After successful completion of the training, the applicant was to be absorbed as a Tradesman 'C' or Tradesman 'B' depending on his performance during the training period. However, the applicant had consistently shown lack of interest in the training and was not upto the requirements. In view of the indifferent attitude and general mis-conduct inspite of repeated warnings, he was discharged from the training in terms of Clause-9 of the Agreement executed by him read with Clause 2(1) of the offer dated 10.1.1986, whereby a trainee is liable to be discharged at any time during the period of training without assigning any reason. Respondents deny that when the services of the applicant were terminated there was any commitment as indicated by the applicant that he would be taken back after the Criminal Case is disposed of. Further, the agreement provides, that the applicant has to refund the stipend received by him along-with penal interest, when he is discharged for unsatisfactory performance during the training period. But the project did not insist on such refund. The respondents also state that the application is belated as the applicant has to file the application within one year from the date of issue of final order.

To

1. The General Manager, Heavy Water Project,
Department of Atomic Energy, Manuguru, Khammam Dist.
2. The Construction Manager, Dept.of Atomic Energy,
Heavy Water Project, Manugur, Khammam Dist.
3. One copy to Mr. S.Laxma Reddy, Advocate, CAT.Hyd.Bench.
4. One copy to Mr.E.Madanmohan Rao, Addl. CGSC. CAT.Hyd.
5. One spare copy.

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5. The applicant has also filed a Miscellaneous Application for condoning the delay of 1,150 days stating that at the time of discharge, the applicant was told by the 2nd respondent that he was discharged because of the Criminal Case pending and he would be taken back after the Criminal Case is disposed of. As the criminal case ended on 21.2.1989, and he has been making representations thereafter, the delay has to be condoned.

6. We have heard Shri S.Laxma Reddy, learned counsel for the applicant and Shri E.Madan Mohan Rao, learned Standing counsel for the Respondents. Apart from merely stating that the 2nd respondent had assured him orally to take him back to duty, there is no material to substantiate this contention. The application is belated and on the ground of delay alone, the application is liable to be rejected. Further, we find that the applicant was discharged because of his indifferent attitude during the training period and it is in terms of the agreement executed by him. In these circumstances, we also find that there is no merit in the application. In the result, the application is dismissed. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice Chairman

D. Surya Rao
(D. SURYA RAO)
Member (Judl.)

Dated: 23rd January, 1991.
Deputy Registrar (Judl.)

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH 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)

Dated: 23-1-1991.

ORDER / JUDGMENT:

M.A./R.A. /C.A. NO.

in

T.A.No.

W.P.No.

O.A.No.

969/90

Admitted and Interim directions
issued.

Allowed

Disposed of

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

