

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1039/90

Date of Order: 19.11.93

BETWEEN :

K.Suryanarayana

.. Applicant.

A N D

1. Union of India, rep. by
the Director-General,
Telecom, Sanchar Bhawan,
New Delhi - 110 001.
2. The Chief General Manager,
Telecom, Andhra Pradesh,
Hyderabad - 500 001.
3. The Divisional Engineer,
Telecom, the TDM, Eluru - 534 050.
4. The Junior Telecom Officer,
Telephone Exchange,
Penugonda, W.G.Dist.

.. Respondents.

Counsel for the applicant

.. Mr.C.Suryanarayana

Counsel for the respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member(Admn.).

The applicant was engaged as a part time Cleaner in the Telephone Exchange at Penugonda, W.G.Dist. w.e.f. 21.1.1977. He continued to work in that capacity till his case came up for consideration for regularisation by the respondents. The respondents vide memo dt. 31.5.89 provisionally approved him for regularisation subject to verification of originals and receipt of PVR. Thereafter the respondents unilaterally cancelled his provisional selection for regularisation, vide their order dt. 13.7.89, on the ground that the school Transfer Certificate furnished by the applicant was found to be not correct. Besides cancelling his regularisation the respondents vide their memo dated 19.7.89 terminated the services of the applicant w.e.f. that date without any prior notice. He made two representations to the authorities concerned and the said representations were rejected on 23.9.1989 and 11.12.1989. In this application, the reliefs claimed by the applicant are that the order of the respondents cancelling his provisional selection for regularisation as also the order terminating his services be set aside together with the respondents order rejecting his representations.

2. We have heard learned counsel for both the parties. Though no counter affidavit has been filed by the respondents the learned counsel for the respondents was able to assist us in this matter with the help of the draft counter in his possession. 1

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3. From the record it is evident that the School Transfer Certificate furnished by the applicant was not correct one. In this context learned counsel for the applicant contended that in fact there was no requirement of such a certificate because neither was there any stipulation regarding the age nor was there any requirement of educational qualification for the purpose of considering the case of a candidate for regularisation. In view of this, even if the school Transfer Certificate is found to be actually not correct, ^{the Respondents} should have ignored the same and taking into consideration the ^{long} service rendered by the applicant as part-time casual mazdoor, should have granted him regularisation. The next issue raised by the applicant's counsel is on the validity of the order terminating the services of the applicant. A perusal of the order dt. 19.7.89 would show that the services of the applicant were terminated without assigning any reason and without giving him any prior notice or opportunity of being heard.

4. In view of the above facts while we may not interfere with the respondents memo dated 13.7.89 we do find that their memo dt. 19.7.89 deserves to be set aside as it is in clear violation of principles of natural justice.

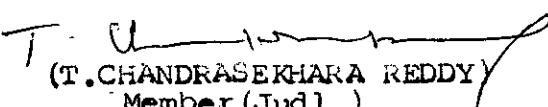
5. We are now informed that by virtue of an interim order of the Tribunal, the applicant is continuing to be engaged as a part-time casual mazdoor. In view of this we dispose of this application without passing further order but with an observation that it would be

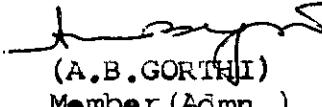
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open to the respondents to consider the case of the applicant for his regularisation in accordance with the extant rules/instructions.

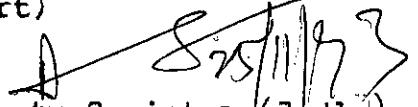
There shall be no order as to costs.


(T.CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B.GORTHI)
Member (Admn.)

Dated: 19th November, 1993

(Dictated in Open Court)


8/11/93
Deputy Registrar (Judl.)

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Copy to:-

1. Director General, Telecom, Union of India, Sanchay Bhawan, New Delhi-001.
2. The Chief General Manager, Telecom, A.P.Hyd-001.
3. The Divisional Engineer, Telecom, TDM, Eluru-050.
4. The Junior Telecom Officer, Telephone Exchange, Penugonda, WGOT.
5. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rem/-



O.A.1039/90

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 19/11/1993

ORDER/JUDGMENT:

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

O.A.No. 1039/90

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

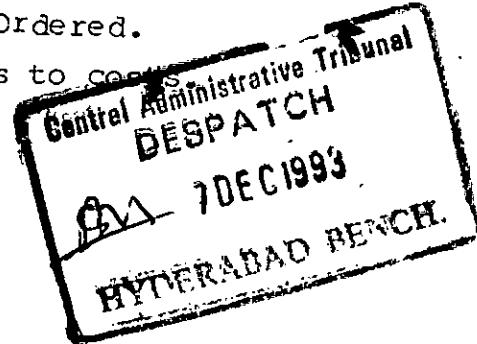
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.



pvm