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

O.A.No. 70 of 1991

Dt. of Decision: 22-1-1991

Between:-

S.R.V.Satyanarayana ..

Applicant

and

1. Union of India, represented by
the Secretary, Ministry of
Communications, New Delhi-1.
2. Member (Administration),
Telecom Board, Department of
Telecommunications, New Delhi-1.
3. Telecom District Manager,
West Godavari District,
Eluru-534050, West Godavari Dist.
4. Divisional Engineer, Telecom,
O/o. the Telecom District Manager,
West Godavari District,
Eluru-534050.

.. Respondents

Appearance:

For the Applicant : Shri T.Jayant, Advocate.

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

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI J.NARASIMHA MURTHY, MEMBER(J).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE VICE-CHAIRMAN,)
SHRI B.N.JAYASIMHA.

1. The applicant herein is aggrieved by the order
issued by the Divisional Engineer (Telecom), office of the
Telecom District Manager, West Godavari District (i.e.
respondent No.4) in his Memo No.X/Rule-5/Corr/90-91/1,

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dated 19-12-1990 terminating his services under rule 5, sub-rule (1) of the Central Civil Services (Temporary Service) Rules 1965. The applicant states that he belongs to the Scheduled Caste community and he applied for the post of Telephone Operator for the year 1989 recruitment. After a General Knowledge-cum-Aptitude test held on 18-8-1989, the applicant was sent for 3 months training from 22-1-1990 at the CTTC, Kakinada, and also was asked to produce ^a security bond for Rs.4,230/-. On completion of training, he was allotted to the Telephone Exchange under S.D.O.T., Tadepalligudem. He was appointed as ^a Telephone Operator, Ganapavaram, w.e.f. 4-5-1990. He ~~is~~ ^{was} on probation for a period of one year. By the impugned order dated 19.12.1990 the services of the applicant have been terminated w.e.f. the date of expiry of the period of one month from the date on which the notice is served on him. Aggrieved by this order, the applicant submitted a petition dated 10-1-1991 to the Member (Administration), Telecom Board, Department of Telecommunications, New Delhi, and this representation is still pending.

2. The applicant has filed this application challenging the alleged impugned order on the ground that the 4th respondent is not the appointing authority, that he cannot issue the impugned order, rule 5(1) of the Central Civil Service (Temporary Service) Rules 1965 cannot be applied to the applicant, who is a probationer, and that the impugned order although is an order of termination simplicitor, it is in gross violation of the provisions of ^{Article 311(2)} / of the Constitution as it is issued on the basis of a

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To

1. The Secretary, Union of India,
Ministry of Communications, New Delhi-1.
2. The Member(Administration),
Telecom Board, Department of Telecommunications,
New Delhi-1.
3. The Telecom District Manager, West Godavari District,
Eluru - 50 W.G.Dist.
4. The Divisional Engineer, Telecom,
O/o The Telecom District Manager,
West Godavari Dist. Eluru- 50.
5. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.Bench.
6. One copy to Mr. E.Madanmohan Rao, Addl. CGSC. CAT.Hyd.Bench.
7. One spare copy.
8. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.

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Police Report that a criminal case under section 363 of I.P.C. is pending against him.

3. We have heard Shri T.Jayant, learned Counsel for the applicant, and Shri E.Madan Mohan Rao, learned Additional Central Govt. Standing Counsel, for the respondents.


4. Shri Jayant states that as the applicant's services are being terminated on the expiry of the one month notice period while his representation is still pending with the Member (Admn.), Telecom Board, New Delhi (2nd respondent), he had to file this application without waiting for 6 months to expire from the date of his representation.

5. On a consideration of the facts mentioned above and the arguments advanced by the learned Counsel, we direct respondent No.2 i.e. Member (Admn.), Telecom Board, Deptt. of Telecommunications, New Delhi, to consider the various points raised in the applicant's representation dated 10-1-1991 and pass an order expeditiously and till such an order is passed, the applicant shall be continued in service. The applicant is also permitted to file an additional representation within 10 days from today to the respondent No.2 i.e. Member (Admn.), Telecom Board, New Delhi, in case he wishes to bring additional points to his notice.

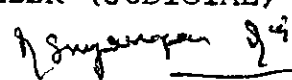
6. Application is disposed of with the above direction. No order as to costs.

(Dictated in the Open Court)


(B.N. JAYASIMHA)
VICE-CHAIRMAN


(J. NARASIMHA MURTHY)
MEMBER (JUDICIAL)

Date: 22-1-1991


Deputy Registrar (Judl)