

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.350/91

Date of Order: 23.3.1994

BETWEEN:

V.Bhaskara Rao
A N D

.. Applicant.

1. Union of India, rep. by
the Secretary, Ministry of
Communications,
New Delhi 1.

2. Telecom District Manager,
West Godavari,
Eluru - 534 050.

3. Divisional Engineer,
Telecommunications,
Eluru - 534 050.

.. Respondents.

Counsel for the Applicant

.. Mr.T.V.V.S.Murthy
Mr.T.Jayaram

Counsel for the Respondents

.. Mr. N.R.Devraj

CORAM:

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

HON'BLE SHRI M.RAJENDRA PRASAD : MEMBER (ADMIN.)

T.C.R.

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Order of the Division Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Jud1.).

This is an application filed under Section 19 of the Administrative Tribunals Act to set aside the dismissal of the applicant passed by the disciplinary authority on 16.8.90 and as confirmed by the appellate authority on 30.11.90 and to direct the respondents to reinstate the applicant with all his benefits.

2. The applicant herein applied for the post of Telephone Operator as per the news paper advertisement for the 1st half year 1981 recruitment. The applicant was subsequently selected to the said post. The applicant was also appointed on regular basis w.e.f. 17.4.82 as Telephone Operator. While so strong suspicion arose in mind of the respondents is that the applicant had gained entry into service by giving wrong information with regard to the date of birth by producing false certificates with inflated marks in his S.S.C. examination. So, under Rule 14 of the CCS (CCA) Rules charge sheet was issued against the applicant. A regular enquiry was conducted. The Enquiry officer submitted his report. The disciplinary authority dismissed the appeal of the applicant by an order dated 10.6.87. The dismissal order was communicated to the applicant along with the enquiry report. The applicant preferred an appeal as against the dismissal order dated 10.6.87 before the competent authority. The said appeal was dismissed on 3.9.87. The applicant challenged the dismissal order dt. 10.6.87 as confirmed by the appellate authority as per orders dated 3.9.87 by filing OA.617/87. This Tribunal set aside the dismissal order in OA.687/87 on 26.12.87 on

the ground that a copy of the enquiry report had not been furnished to the applicant before the disciplinary authority passed orders of dismissal and permitted the respondents to continue the enquiry from the stage of ~~of the~~ supply ~~of the~~ enquiry report. As the enquiry report had already been served on the applicant along with the dismissal order dated 10.6.87 the applicant was informed about the same and the applicant was asked to make his submissions with regard to the findings as against the enquiry report. The applicant made his representation with regard to the findings against him in the enquiry report. As the enquiry was continued the applicant was also kept under deemed suspension as per the orders dated 3.4.92 passed by the competent authority. The applicant was dismissed by disciplinary authority as per the orders dated 16.8.90. The applicant preferred an appeal dated 23.9.1990. ~~The same~~ was dismissed as per the orders dated 30.11.90. The applicant had approached this Tribunal second time for setting aside the dismissal order as passed by the disciplinary authority as confirmed by the Appellate authority.

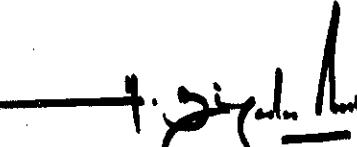
3. Counter is filed by the respondents opposing this O.A.

4. We have heard Mr.T.V.V.S.Murthy, learned counsel for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

5. O.A.352/92 in all respects is similar to the present O.A.(350/91). We have dismissed OA.352/92 as per the orders dated 22.3.1994 for reasons mentioned therein. For the ~~very~~ same reasons given in OA.352/92 in our judgement dated 22.3.94 this OA is also ~~liable to be~~ dismissed

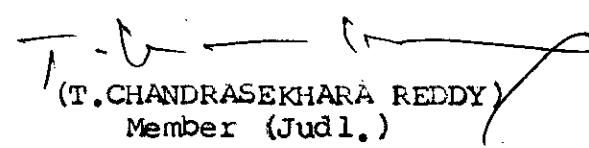
.. 4 ..

and accordingly dismissed. The parties shall bear their own costs.


(H. RAJENDRA PRASAD)

Member (Admn.)

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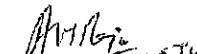

(T. CHANDRASEKHARA REDDY)

Member (Judl.)

Dated: 23rd March, 1994

(Dictated in Open Court)

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Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi-1.
2. Telecom District Manager, West Godavari, Eluru-050.
3. Divisional Engineer, Telecommunications, Eluru-050.
4. One copy to Sri. T.V.V.S. Murthy, advocate, CAT, Hyd.
T. Jayaram
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Recd n/s
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9/11/94
Rsm/-

O.A. 356791

TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

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

AND

M. Rajendra Pd.

THE HON'BLE MR. R. RANGARAJAN : M(ADMN)

Dated: 23/3/1994

ORDER/JUDGMENT

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

in
356791

O.A. NO.

T.A. NO. (w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

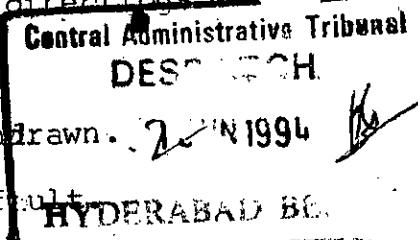
Dismissed.

Dismissed as withdrawn. 23/3/1994

Dismissed for Default

Rejected/Ordered.

No order as to costs.



G. 1174.