

(47)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 362/1991.
T.A.No.

Date of Decision : 19-4-1991.

S. Mallaiah

Petitioner.

Advocate for the
petitioner (s)

Versus

Respondent.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. B.N. ~~Jagannatha~~, Vice-Chairman

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ans*
2. To be referred to the Reporter or not? *Ans*
3. Whether their Lordships wish to see the fair copy of the Judgment? *Ans*
4. Whether it needs to be circulated to other Benches of the Tribunal? *Ans*
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

Ans

H V C.

148

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

O.A.NO. 362/1991

Date of order: 19 - 4 -1991.

Between

S.Mallaiah

... Applicant

And

1. The Superintendent,
Telegraph Traffic Division,
Warangal.
2. The Telecom. District Engineer,
Nalgonda
3. The General Manager (O)
O/o the Chief General Manager,
Telecom, A.P., Hyderabad.
4. The Director General, Telecom.
(representing Union of India),
New Delhi. ... Respondents

Appearance:

For the applicant : Shri C.Suryanarayana, Advocate

For the Respondents : Shri N.V.Ramana, Addl.CGSC

CORAM

Hon'ble Shri B.N.Jayasimha, Vice-Chairman

O R D E R
(of the Bench delivered by Shri B.N.Jayasimha, Vice-Chairman)

This application is by a Higher Grade Telegraphist, C.T.O., Warangal and he questions the proceedings No.Disc8/90-91/3/SM dated 25-8-90 and its corrigendum dated 27-9-90 issued by the 1st Respondent imposing a penalty of withholding of one increment at the stage of Rs.1720/- w.e.f. 1-11-90 for a period of one year without cumulative effect and ordering recovery of short collections amounting to Rs.6055-66 ps. as applicant's share in 35 monthly instalments from his salary commencing from the month of October 1990. The applicant states that he has submitted an appeal dated 30-11-90 against the punishment order dated 25-8-90 to the appellate authority viz. the Director, Telecom.,

b/s

Warangal area, Warangal. However, subsequently due to issuance of corrigendum dated 27-9-90, the 3rd Respondent herein has become the appellate authority due to administrative changes. The applicant submitted a reminder to the 3rd Respondent on 28-11-90. He further states that inspite of his another reminder dated 29-1-91, the appellate authority has neither passed any orders on his appeal nor has stayed recovery of the instalment amounts from his salary pending disposal of appeal. He therefore filed this O.A. praying for setting aside the punishment order dated 25-8-90 and its corrigendum dated 27-9-90 passed by the 1st Respondent.

2. I have heard the learned counsel for the applicant Shri C.Suryanarayana and Shri N.V.Ramana, learned Additional Standing Counsel for the Central Government, who takes notice at the admission stage. It is clear from the averments that the applicant had submitted an appeal dated 30-11-90 to the appellate authority against the orders passed by the disciplinary authority and the appellate

authority has not yet disposed of the appeal. Ordinarily the application cannot be admitted until six months have elapsed after submission of his appeal as per the requirements of Section 21 of the Administrative Tribunals Act, 1985. The Application is, therefore, premature. Shri Suryanarayana, however, argues that the appellate authority has not only not passed any orders but has not considered his request for staying the recoveries pending disposal of the appeal. Keeping this submission in view, while dismissing the O.A. as premature, the Respondents are directed not to make any recoveries in future from the salary of the applicant until the appeal is disposed of by the appellate authority. The applicant is at liberty to approach this Tribunal if he still feels aggrieved by the orders passed by the appellate authority.

6/1

3. The O.A. is accordingly dismissed with the above direction
No order as to costs.

B.N.Jayashimha
(B.N.Jayashimha)
Vice-Chairman

Dated: the 19th day of April, 1991. *AD* *ASL*
mhb/- (Dictated in open court) *Deputy Registrar (J)*

To

1. The Superintendent, Telegraph Traffic Division, Warangal
2. The Telecom District Engineer, Nalgonda.
3. The General Manager (O)
 % the Chief General Manager, Telecom, A.P. Hyderabad.
4. The Director General, Telecom, Union of India, New Delhi.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
7. One spare copy.

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*3/18/91
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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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

DATED: 19 MAY 1991.

ORDER / JUDGMENT.

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

in
T.A. No. —

W.P. No.

O.A. No.

362/91 ✓

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

APR 26 1991

