

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 770/91.

Dt. of Decision : 10.6.94.

Mr. D.V. Prasada Rao

.. Applicant

Vs

Union of India rep. by
its Divisional Engineer,
Telecommunications,
Kakinada.

Telecommunication District Manager
Rajahmundry - 533 150.

.. Respondents.

Counsel for the Applicant : Mr. V. Krishna Rao for
Mr. M.S.R. Subrahmanyam

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SRI R. RANGARAJAN : MEMBER (ADMN.)

DA.770/91

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri V. Krishna Rao, for Sri M.S.R. Subrahmanyam, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The order dated 29-11-1986 whereby the increments of the applicant ^{were} ~~was~~ withheld for three years without cumulative effect as confirmed by order dated 16-1-1991 of the Appellate authority is assailed in this OA. Charge memo dated 18-5-1982 was issued to the applicant by ^{alleging} ~~alleging~~ that he alongwith three others was responsible for issual of a pamphlet whereby some allegations were made against superior officers to the effect that to boost-up the revenue, ineffective calls ^{were} ~~are~~ treated as calls, and ordinary calls were treated as trunk calls. Separate inquiries were held against the applicant and two others for the above charge and it is stated that no inquiry was initiated against the fourth person whose name was also figured in the charge sheet.

3. After inquiry, punishment was imposed against Sri Shaik Khadervali. But the said punishment was set aside by the Appellate authority by order dated 5-8-1987.

4. It is vehemently contended for the applicant in this OA that the facts attributed to the applicants herein and Shri Sk. Khadervali are the same and ~~when~~ Sri Sk. Khadervali was exonerated by the Appellate authority, the Appellate authority in this case also ^{should} ~~could~~ have exonerated the applicant.

To

1. The Divisional Engineer, Union of India,
Telecommunications, Kakinada.
2. The Telecommunication District Manager,
Rajahmundry-150.
3. One copy to Mr.M.S.R.Subrahmanyam, Advocate, 6-2-45/3
A.C.Guards, Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd:
6. One spare copy.


pvm

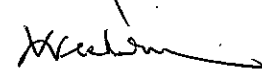
present
20/6/44

5. It may be noted that while the date of order of the Appellate authority in the case of Sri Sk. Khadervali is 5-8-1987, the order of Appellate authority ^{in case of applicant} is dated 16-1-91. As the order dated 5-8-1987 of the Appellate authority in the case of Sri Sk. Khadervali is relevant for consideration, in the case of the applicant also, we feel that it is just and proper to give an opportunity to the applicant herein to place the order of Appellate authority in the case of Sri Sk. Khadervali before the Appellate authority in the case of the applicant for consideration of the appeal. So, it is just and proper to set aside the order of the Appellate authority and remit ^{it} to the Appellate authority for consideration after giving an opportunity to the applicant to rely upon order of the Appellate authority in case of Sri Sk. Khadervali which is in regard to the charge memo dated 18-5-1982 issued to Shri Sk. Khadervali.

6. In the result, the impugned order is set aside and the matter is remitted to the Appellate authority for consideration in accordance with law and after giving an opportunity to the applicant as referred to in the above para. The Appellate authority has to send for the orders in appeal vide TA/STA/56-4/87 dated 5-8-1987 on the file of Chief General Manager, Telecommunications, AP, Hyderabad, and consider it as document filed for the applicant herein for consideration of his appeal.


7. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : June 10, 94
Dictated in Open Court

SK


Deputy Registrar (T) CC