IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA 931/91.   Dt. of Order: 14th Oct 1991.

B.Ravindra

                                          ....Applicant

    . Vs.

1. The Sub-Divisional Officer,
   Telecom, Dharmavaram - 515 672.

2. Telecom District Manager,
   Anantapur-515 050.

3. The chief General Manager, Telecom,
   AP Hyderabad-500 001.

4. The Director General, Telecom,
   (representing Union of India)
   New Delhi - 110 001.

                                          ....Respondents

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Counsel for the Applicant   :   Shri C.Suryanarayana Advocate.

Counsel for the Respondents :   Shri N.V.Ramana, SC for Rlys

                        -- -- -- --

CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN   :   MEMBER (A)

THE HON'BLE SHRI S.SANTHANAKRISHNAN : MEMBER (J)

            (Order of the Division Bench delivered by
                Hon'ble Shri S.S.Krishnan, Member (J)).

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        In this application under section 19 of the Adminis-

trative Tribunals Act, 1985, the applicant challenges the

termination of his services by the Respondents.

        The question arises at this stage is about the

maintainability of this application before this Tribunal.

        Whereas the applicant in para-1 of the application

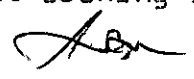states that the application is against the order dated

                                          ....2.

25-3-91, rejecting the representation of the applicant for

reinstratement and grant of temporary status on the ground

of break in service for more than one year from December, 1984

to April, 1989, in the relief portion he has not questioned

this order but only the order of termination which accord-

ing to him/only verbal.
is

In para-5(i) of the application it is stated that

the termination is in gross violation of mandatary provisions

of section 25(f) of I.D.Act and hence the termination is

illegal, null and void.

When the application taken-up on 4-10-91 it is pointed

out to the counsel for the applicant that inview of the decision

of the Full Bench rendered in PADMAVALLI's case, when the

applicant has not questioned the termination is in violation

of any provision of constitution how the application is

maintainable before the Tribunal. Hence/this was returned to
at request'

the counsel for the applicant/making necessary corrections.
for

Yet the application was again re-presented without any

ammendments and as such the main question that will have to

be considered now is whether the verbal termination is

void offending the provisions of section 25(f) of I.D.Act,

On this aspect the decision reported 1991 SLR page 245,

which was rendered by the Full Bench in Padmavalli's case

clearly points out that any applicant seeking relief under

.....3.

the provisions of I.D.Act must firstexhaust the remedies
available under that Act. It is also pointed out in page
270 as follows :-

> "It is only in regard to
> rights other than rights
> under the I.D.Act or a
> right or liability under
> the general or common
> law that the civil court
> had jurisdiction. It is
> only to this extent, the
> Tribunal as a substitute
> of the civil court will
> have jurisdiction to
> entertain an application
> as a court of first
> instance."

It is further pointed out in the above said judgment
that "where the competent authority ignores statutory provi-
sions or acts inviolation of Article 14 of the Constitution
or where either due to admissions made or from facts apparent
on the face of the record, it is clear that there is statutory
violation, inview of the Article 226 of the Constitution of
India this Tribunal gets jurisdiction."

Our attention was drawn by the counsel for the appli-
cant to a decision reported in 1991(17) ATC 6 - (Chief Personnel
         vs. CR Hariharan)
Officer, Souther Rly / . This case was decided by the
Madras Bench of this Tribunal in a Review Petition where the
applicant contends that the order of termination was arbitrary
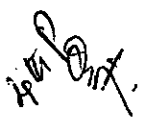and violative of Article-14 of the constitution. Hence it

......4.

was pointed out that inview of the Full Bench decision

rendered in PadmaValli's case, the Tribunal has got juris-

diction. On the other hand counsel for the Respondents

referred to the Judgments of this Tribunal passed in

OA 714/91 and OA 715/91. A perusal of the facts of these

cases show that the applicants *therein* only claimed certain

wages and the Tribunal ordered the applicants to make a

representation and directed the Respondents to consider

the same. Hence these two judgments are not in any way

helpful to the Respondents. Learned standing counsel for

the Respondents also states that there is a dispute in

this case regarding the period when the applicant was

absent from duty between December, 1984 to 1-5-1989,

whereas the applicant has stated that he was on medical

leave. Admittedly he has not applied for any medical

leave immediately and he has also not produced any proof

regarding the sanction of/ *medical* leave between these periods.

Further the applicant questioned the termination order only

inview of section 25(f) of I.D.Act and not that the termina-

tion violates either Article 14 of the constitution or any

other provision of the constitution. Hence the decision

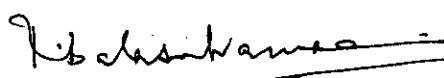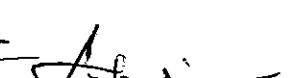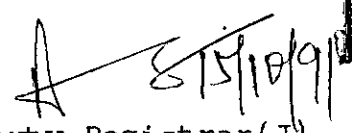rendered by the Full Bench in Padmavalli's case directly

....5.

apply to the facts of this case and as such we find no

difficulty in holding that the application is not maintainable

before this Tribunal.

In view of the above discussion the application

stands rejected with no order as to costs.

(R.BALASUBRAMANIAN)   (S.SANTHANAKRISHNAN)
Member (A)   Member (J)

Dated: 14th October, 1991.   Deputy Registrar(J)

avl/
To
1- The Sub-Divisional Officer, Telecom, Dharmavaram - 672.
2. The Telecom District Manager, Anantapur -050
3. The Chief General Manager, Telecom, A.P.Hyderabad- 1.
4. The Director-General, Teledcon, Union of India, New Delhi-1.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Ramana, SC for Rlys. CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

THE HON'BLE MR. R. BALASUBRAMANIAN :

AND

THE HON'BLE MR. S. SANTHANAKRISHNAN :

DATE IN: 14-10-91

ORDER/JUDGMENT

M.A.No.

in

O.M.No. 931/91

Admitted and Interim direction issued.

Allowed

Dismissed

Disposed of with direction

Rejected ——— Rejected

No Order as costs.