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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 1189/91.

Dt. of Order:31-1-92.

A.Ashok

...Applicant

Vs.

1. The General Manager,
Hyderabad Telecommunications,
Hyderabad-500 001.

...Respondent

Counsel for the Applicant : Shri A.Narayana Reddy

Counsel for the Respondents : Shri N.R.Devraj, Addl Csr.

CORAM:

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

THE HON'BLE SHRI C.J.ROY : MEMBER (J)

(Order of the Division Bench delivered by
Hon'ble Sri C.J.Roy, Member (J)).

Heard Sri A.Narayana Reddy, learned counsel for
the applicant and Sri N.R.Devraj, learned counsel for the Res-
pondents. This application is filed for the following
reliefs:-

(a) to declare the action of the Respon-
dents in removing/stopping the applicant
from service as casual mazdoor (approved)
as arbitrary, illegal and violative of
principles of natural justice;

(b) to direct the Respondents to rein-
state the applicant with consequential
benefits including the wages for the
removal period from 18-11-85 onwards
and seniority etc.;

(c) to pass such other order or orders
as this Hon'ble Tribunal may deem fit
and proper in the circumstances stated
above.

The brief facts of the case are that the applicant was removed from service on 18-11-85 on a complaint that the underground cables were removed by digging the earth and there by a theft was committed. On a complaint by private party a case was registered in the Judicial First Class Magistrrar under C.C.No.51/86 against four persons. Accused No.4 in CC No.51/86 is the applicant in this Original Application.

2. The learned Magistrate acquitted Accused No.1 to 4 on the ground that the Panch witness has become hostile, scene of offence of Panchanama was not conducted to show that the earth was dug up at a particular place and the theft was committed. After the acquittal the Respondents have not preferred any appeal nor taken any departmental proceedings. So the Accused No.1 to 3 filed three Original Applications in this Tribunal which are OA 353/89, OA 963/89 and OA 964/89, which were allowed by this Tribunal on 12-12-91.

3. The benefit given to Accused No.1 to 3 is also to be extended to Accused No.4 also who is the applicant herein as he is also in a similarly situated condition. This point also is not disputed by the learned counsel for both sides.

4. Under these circumstances we hold that this case is covered one and accordingly direct the Respondents to reinstate the applicant forthwith in the same capacity as he was engaged prior to 18-11-85 without detriment to his seniority. He will

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however not entitled to any backwages as was decided in the similar cases. The application is thus disposed-of at the admission stage itself. No order as to costs.

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member (A)

C. J. Roy
(C. J. ROY)
Member (J)

Dated: 31st January, 1992.
Dictated in Open Court.

[Signature]
Deputy Registrar (J)

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To

1. The General Manager, Hyderabad Telecommunications, Hyderabad-1.
2. One copy to Mr. A. Narayana Reddy, Advocate
Plot No. A-138, Ravindranagar, Hyderabad.
3. One copy to Mr. N. R. Devraj, Addl. CGSC. CAT. Hyd.
4. One spare copy.

pvm,

[Handwritten notes]
25/1/92