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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA 604/92.

Dt. of Order:30-1-95.

E.Narasimha Rao

... Applicant

Vs.

1. The Sub-Divisional Officer,
Telephones, Eluru-534 002.
2. The Divisional Engineer,
Telecom, Eluru-534 050.
3. The Telecom District Manager,
Eluru-534 050.
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

Counsel for the Respondents : Shri N.V.Raghava Reddy, Addl.CGSC

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CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

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... 2.

(Order passed by Hon'ble Shri A.V.Haridasan, Member (J)).

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In this application filed under section 19 of the A.T.Act, 1985, the applicant, who was worked as Telecom Office Assistant was removed from service after Disciplinary Proceedings on a charge of unauthorised absence and negligence of duties in as much as he overstayed the leave on medical grounds and did not report for duty ever after second medical board adjudged him fit for joining duty. The order was passed after an enquiry and after giving the applicant an opportunity to make representation on the enquiry report. The appeal submitted by the applicant against the order of removal was considered and rejected by the Appellate Authority, the Respondent No.3. It is impugning the orders of the Disciplinary Authority and that of the Appellate Authority that the applicant had filed this application praying that the impugned orders may be set aside and the Respondents be directed to re-instate him into service.

2. The Respondents have filed a reply seeking to justify the impugned orders on the ground that the penalty of removal from service was well merited and that the same was awarded to the applicant after he was found guilty on the basis of his own admission as also on other factors.

3. We have heard Shri C.Suryanarayana, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel

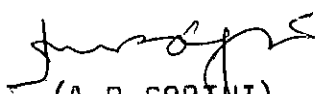
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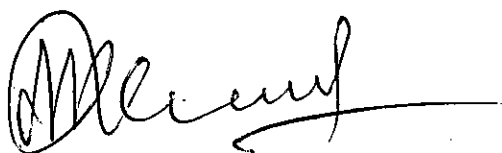
1. The Sub Divisional Officer, Telephones, Eluru-002.
2. The Divisional Engineer, Telecom, Eluru-050.
3. The Telecom District Manager, Eluru-050.
4. The Director General, Telecom (representing Union of India New Delhi-001).
5. One copy to Sri. C. Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

for the Respondents. After arguing for quite some time, the learned counsel for the applicant submitted that the application may now be disposed of allowing the applicant to file a revision petition to the Respondents No.4 and with a direction to the Respondent No.4 to consider and dispose of the revision petition as the applicant is now physically and mentally in a sound condition to join to duty and as he is keen to serve the department sincerely. We feel that this request of the learned counsel for the applicant is reasonable.

4. In the result, the application is disposed of directing the applicant to file a revision petition to the Respondent No.4 within a period of one month from the date of receipt of a copy of this order and with a direction to the Respondent No.4 to consider and dispose of the revision petition, if any so filed, within a period of two months from the date of receipt of the same. There is no order as to costs.


(A.B. GORTHI)
Member (A)


(A.V. HARIDASAN)
Member (J)

Dt. 30th January, 1995.
Dictated in Open Court.

avl/


Dy. Registrar (J)

Contd --- 4/-

DA 604/92

TYPED BY _____ COMPARED BY _____
CHECKED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(3)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(3)

DATED : 30/1/95

ORDER/JUDGEMENT.

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

in
D.A.NO. 604/92

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

YLKR

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[Signature]

Central Administrative Tribunal
DESPATCH
8 MAR 1995
HYDERABAD BENCH

[Signature]
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