

(11)

(683)

HIGH COURT ANDHRA PRADESH: AT HYDERABAD

From  
K.VIVEKANAND, B.Com.,  
Assistant Registrar.

(11)

To  
The Dy. Registrar,  
Central Administrative  
Tribunal,  
Hyderabad Bench,  
HYDERABAD.

V.R.No. 683/2005. Dated: 11 - 8 - 2005.

Respected Sir,

Sub: - Court - Return of entire/part of records in OA. 688/93  
\_\_\_\_\_ on your file received for reference in WP. 17785/93  
\_\_\_\_\_ on the file of High Court - Reg.

Ref: - (1) Yer Dis. No. \_\_\_\_\_

(2) It's Order dated \_\_\_\_\_

\*\*\*\*\*

I am to return heretire/part of records in OA. 688/93  
on your file, for reference in WP. 17785/1993  
on the file of High Court, NGER REQUIRED' in this Registry.

Kindly acks record.

Yours faithfully,

*Alhambra*  
Assistant Registrar.

Hyderabad,  
Dt: 11 - 8 - 2005.

Encls: 1 file

Dt. 6/7/01

pl. a  
17/8/05

Dr

So

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal हैदराबाद न्यायपीठ, Hyderabad Bench
171 19 AUG 2005
प्राप्त/RECEIVED प्रेषण/DESPATCH डाक विभाग/TAPPAL SECTION

**HIGH COURT OF ANDHRA PRADESH  
HYDERABAD**

**Case Details of High Court**

**Case Type**

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**District:**

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**C/W:**

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**Case Details of Lower Court**

**Case Type**

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**On the file of**

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**HC Tappal No. &  
Date**

--	--

**No. of Enclosures**


**C/F :**

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**C.D :**

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**T&P :**

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**C.S :**

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**Details Entered by**

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**Case Details of High Court**

**Case Type**

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**District :**

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WP. 17785/93

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Hyderabad

OA. 688/93

CAT - Hyderabad H.D.

1 file

D/o 6/7/01

WP. 17785/93

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Hyderabad

(83)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

O.A. / ~~E.A.R.P.~~ C.P. NO. 688/93

a) Applicant (s) S. A. Saleem

## Versus

b) Respondents The Telecom Dist. Engineer, Karimnagar.

[illegible]

MA 532/93 & MA 534/92 in OA 688/93

Date	Office Note	Orders
10-8-93		<p>At the request of Sri V. Bheemanna, counsel for the Respondents three weeks time is granted to file a reply. Let the Respondents file reply. List it for orders on 14-9-93.</p> <p>T - C. M. P.      H H TCR      HABG M(S)      M(H)</p>
14-9-93		<p>Learned counsel for the <del>applicant</del> Respondents requests for 4 weeks time to file counter. List the case for orders on 18-10-93.</p> <p>T - C. M. P.      H H TCR      HABG M(S)      M(H)</p>
2.11.93		<p>None for the applicant.</p> <p>For Respondent No. 3. Sh. C. Suryanarayana. On the request of Sh. V. Bheemanna, as a last opportunity two weeks time is given to file a counter-affidavit, failing which the</p>

P.T.O.

MA No. 532/93 & MA No. 533/93

on OA No. 688/93

(1)

Date	Office Note	Orders
2.11.93		<p>from prepage.</p> <p>1/ it will be presumed that the official respondents will have nothing to say.</p> <p>List the case for orders on 16-11-1993.</p>
16.11.93		<p>T. S. M.</p> <p>HTCSR M(J)</p> <p>HABG M(A)</p> <p>Adjournd to 17-11-93 for orders</p>
17.11.93.		<p>HTCSR M(J)</p> <p>HABG</p> <p>None for the applicants</p> <p>List the case for dismissal on 18.11.93.</p>
18.11.93		<p>T. S. M.</p> <p>HTCSR M(J)</p> <p>HABG M(A)</p> <p>OA dismissed. Vide orders on separate sheets. No costs.</p>
		<p>T. S. M.</p> <p>HTCSR M(J)</p> <p>HABG M(A)</p>

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

O.A. NO./T.A. NO. 688 1993

S.A. Sabam

Applicant (S)

The TDE. Kannan Nagar  
and others

Versus

Respondent (S)

Date	Office Note	Orders
25-6-93		Post on 28-6-93.  HPTT                  HVNRJ (A)                  VC  By order.  <i>[Signature]</i> ADMIT. Post on 9-8-93 for final hearing subject to Part-heards; for Counter in the meanwhile.  Status-quo as on today until further orders Forenoon has to be maintained, Issue notice to the 3rd Respondent Print the name of Mr. V. Bhimanna for the Respondents. Wire at party's Cost.   HPTT                  HVNRJ (A)                  VC
28-6-93		
7-93.	Counter Aff. dated filed by Mr. C. Surya - naryana, Adv. for RR3 on 7/7/93.	

*[Handwritten marks]*

(2)

MA 532/93 and 534/93 in O.A. 688/93

Date	Office Note	Orders
22/7/93		<p>Mr. K.L. Narasimha, for the applicant and Mr. C. Suryanarayana, for the respondent No. 3. MAs 532/93 and 534/93 have been filed by Mr. C. Suryanarayana asking for the production of relevant records and also seeking a clarification on the purport of interim order of status-quo passed on 28.6.93. His contention is that as on that date respondent No. 3 had already assumed the charge of Stones line Nar at Jagithayal. Let the official respondents file reply if any to the MAs within 2 weeks. It is seen that the official respondents have not filed the Counter in the OA also. They may do so before 9.8.93.</p> <p>List the case on 9.8.93. On which date it may be heard and disposed of.</p> <div data-bbox="859 2166 1172 2322"><p>T. C. M. f HCSR MCO</p></div> <div data-bbox="1235 2166 1392 2348"><p>✓ HAB 3 M(A)</p></div>



By to furnish the Ordering Disposition, Cancellation of the  
Applicant as stated herein.

Cancellation of Disposition

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : AT HYDERABAD.

*Bund can*

O.A.No. 688 of 1993

(3)

Between:

S.A. Saleem

... Applicant.

and

The Telecom Dist. Engineer,

Karimnagar and two others ... Respondents.

STATEMENT SHOWING THE EVENTS IN CHRONOLOGICAL ORDER

Sl. No.	Dated:	Particulars of events	page No.
1.	15-6-93	Impugned order issued by 1st respondent.	1
2.	7-5-1993	Appointment order of the petitioner by 2nd respondent	1
3.	12-5-93	Petitioner has reported for duty and has taken charge	3

Exhibit - 11  
nil

Dated: 23-6-1993

*P. S. Reddy*  
Counsel for the Applicant.



(u)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A. NO. 628 OF 1993

Between:

S.A. Saleem.

... Applicant.

and

The Telecom Dist. Engineer,  
Karimnagar and two others

... Respondents.

I N D E X

Sl. No.	Description of the Document.	Page No.	Annexure Nos.
1.	Original Application	1 - 5	
2.	Lr.No. E-58/93-94/28, Dt. 15-6-93 issued by Telecom District Engineer	6	A- 1
3.	Lr.No. 10B/93-94/160 dated 7-5-93 from Sub Divisional Officer, Telecom, Jagtial	7	A- 2
4.	Lr.No.E/93-94 dt. 8-5-93 from Junior Telecom Officer, O/D Jagtial.	8	A - 3
5.	Making one Taking one (Taking charge) from G. Kistaiah by S.A. Saleem.	9	A - 4
6.	No. TA/STA/6-2/XI <sup>1</sup> dt. 26-9-89. from Dy.General Manager (Admn) Office of the Chief General Manager, Telecommunications, A.P. Circle, Hyd.	10	A - 5

Date of filing

or

Date of receipt by post

Registration No.

S.A. Saleem

Signature of the Applicant

[Signature]  
Signature of the Counsel

Signature of the Registrar.

(5)

-: 0 :-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.No. 688 of 1993

Between:

Shaik Abdul Saleem, S/o Abdul Haq,  
aged 31 years, R/o TB-149, Dharuru  
Camp, Jagtial, Karimnagar District. ... Applicant.

and

1. The Telecom District Engineer,  
Karimnagar - 505 001.
2. The Sub Divisional Officer,  
Telecom, Jagtial - 505 327.
3. G. Laxman, S/o G. Krishna Reddy,  
aged 40 years, R/o lineman,  
Telephone Exchange, Jagtial,  
Karimnagar District. ... Respondents.

DETAILS OF THE APPLICANT:

1. The Particulars of the Applicant:

The particulars of the applicant is same as shown in the cause title. The address for the purpose of all notices, processes etc., of the applicant is that of ~~the~~ his counsel M/s K. Lakshmi Narasimha, LL.M., and R.S. Reddy, Advocates, H.No.16-11-20/13, Saleemnagar-2 Hyderabad-500 036.

2. Particulars of the Respondents:

The particulars of the respondents and addresses for service of all processes notices etc., on to the respondents is the same as shown in the cause title.

3. Particulars of the Order against which the application is made:

This O.A. is filed challenging the impugned order No.E-58/93-94/28, dated 15-6-1993 issued by the 1st respondent (Annexure-I) cancelling the appointment order issued by the 2nd respondent dated 7-5-1993 appointing the petitioner as Store Lineman, Jagtial.

✓

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal, as per section 14 of Administrative Tribunal Act.

5. Limitation:

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the Case:

6(1) The petitioner is the senior lineman working in the office of the 2dn respondent. In the above office there fell one post vacant i.e., a post of Store Lineman which is a tenure post terminable after a period of 4 years from the date of appointment. For this post all the eligible linemen are eligible to be considered and further the appointment is made on merit cum ability i.e., to say this is a selection post. The persons holding the post should be undoubtedly high integrity and having confidence of the superior officers i.e., the 2nd respondent and whose control the entire stores department falls. Further material worth lakhs of rupees are stored in the department and therefore it is very essential that a senior person with a proven and track record with excellent service and a high integrity is selected and appointed for this post.

6(2) When this post fell vacant on the completion of the tenure of the earlier incumbent this petitioner along with 7 other persons have been considered

(7) A

by the 2nd respondent whose is the competent authority for appointment of the store lineman. Out of these 8 persons petitioner was selected based upon his excellent service record and undoubted integrity. Accordingly the 2nd respondent has appointed him as Store Lineman / of Jagtial, vide Appointment Order dt. 7-5-1993 (Annexure-2) Consequently the petitioner was relieved from his post vide telegram order dated 8-5-1993 (Annexure-3). There upon the petitioner has reported for duty on 12-5-93 and has taken charge of the stores as storelineman (Annexure-4). The petitioner is till date is working in the said post and holding charge of the post of stores.

6(3) While so the 1st respondent has issued the impugned order cancelling the appointment order of the petitioner and appointing the 3rd respondent in his place. This order is wholly illegal, arbitrary, and without jurisdiction and unconstitutional. No notice was given to the petitioner and no reasons have been stated in the said impugned order. In fact, the 3rd respondent was also considered and he was not selected for the above/<sup>said</sup> post. He has not filed any appeal or any representation before the competent authority. The 1st respondent has issued this impugned order suo-moto without any basis. Infact the 1st respondent has got no power or jurisdiction to issue a cancellation order. He is neither the appointing authority nor the Appellate Authority to excise his function and issue such an impugned order and that too without giving notice to the petitioner. Therefore, this impugned order should be struck down as such. Further the

3rd respondent x has not joined duty and the petitioner has not handed over the charge to anyone. He is still holding this post as of date.

7. Details of remedies exhausted:

The applicant submits that no remedy is provided under the relevant rules and hence there is no option but to approach this Honourable Court.

8. Matters not previously filed:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

9. Reliefs Sought:

Main Relief: In view of the facts mentioned in para 6 the applicant humbly prays that this Hon'ble Court may be pleased to call for the records pertaining to the impugned order No. E-58/93-94/28 dated 15-6-93 issued by the 1st respondent and quash the same as illegal, arbitrary, unconstitutional and without jurisdiction and pass such other orders as are deemed fit and proper.

Interim Relief: The petitioner is still holding the post of Store Lineman, Jagtial. He is not yet been relieved and he has not handed over the charge to either to the 3rd respondent or to any—

(8)

-: 5 :-

bodyelse. Therefore it is respectfully prayed that pending disposal of this application this Honourable Court may be pleased to suspend the impugned order dated 15-6-93 issued by the 1st respondent and consequently direct the official respondents to continue the petitioner as stores lineman, Jagtial and pass such other orders.

10. Particulars of Postal Orders:

1. No. of Indian Postal Order.
2. Name of Issuing Post Office.
3. Date of Issue of Postal Order:
4. Post Office in which payable.

805907931

G.P.O

21-6-93

11. List of Enclosures:

1. Indian Postal Order of Rs.
2. Vakalat.
3. Material Papers.
4. Pads and Covers:

LP.O./B.C./D.D./Removed

V E R I F I C A T I O N

I, Shaik Abdul Saleem, S/o Abdul Haq, aged 31 years, R/o TB-149, Dharuru Camps, Jagtial, Karimnagar District, hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras 7 to 11 believed to be true on legal advice and that I have not suppressed any material facts.

*[Signature]*  
Counsel for the Applicant  
Dated: 23-6-93

S.A. Saleem  
Signature of the Applicant.

To  
The Registrar,  
C.A.T., Hyderabad.

(9)

-: 6 :-

ANNEXURE - 1

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATION

OFFICE OF THE TELECOM DISTRICT ENGINEER, KARIMNAGAR -505 001

No. E-58/93-94/28;

Dated: 15-6-93

In partial modification of the orders  
contained in the S.D.O. Telecom, Jagtial, Lr.No.  
108/93-94/160, dated 7-5-93, Shri G. Laxman,  
SI(O)/Jagtial is hereby posted as Store Lineman,  
Jagtial in stead of Sri S.A. Saleem, S.L.M. Jagtial. 12-6-93

The orders issued by S.D.O. Telecom,  
Jagtial to Sri S.A. Saleem, LM<sub>4</sub>Jagtial, for selection  
of Store Lineman, SDOT Jagtial, is hereby treated  
as cancelled with immediate effect.

Sd/- xx xx x  
Telecom District Engineer,  
Karimnagar.

//True Copy//  
*dega*



-: 7 :-

Annexure - 2

GOVERNMENT OF INDIA

THE TELECOMMUNICATION: : ANDHRA PRADESH

OFFICE OF THE SUB DIVISIONAL OFFICER: TELECOM: JAGTIAL

Lr.No.10B/93-94/160

Dated: 7-5-93

Jagtial.

Sri S.A. Saleem, Lineman (Cannal), Jagtial,  
is selected as Store Lineman of Jagtial as the tenure  
of post is completed. No special pay or allowance  
is admissible.

Sd/- xxx xxx  
SUB DIVISIONAL OFFICER  
TELECOM: :JAGTIAL.

//True Copy//

-: 8 :-

Answer - 3

DEPARTMENT OF TELECOMMUNICATION

Junior Telecom Officer,  
O/D Jagtial, 505 327

To  
Sri S.A. Saleem,  
Lineman, (Cannals),  
Jagtial. - 505 327

No. E/93-94

Dated: 8-5-93

Sub: Relief Orders - R&g.

Ref: SDOT/JEC Lr.No.10B/93-94/160  
dated 7-5-93.

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In accordance with SDOT/JEL Lr.No.10B/  
93-94/160 dated 7-5-93 you are herewith relieved  
on the A.N. of 8-5-93 and you are hereby instructed  
to report to SDOT/Jagtial as Store Lineman, Jagtial  
No special pay and allowance are admissible.

Sd/- xx xx  
JUNIOR TELECOM OFFICER  
O/D JAGTIAL.

//True Copy//

-: 9 :-

Amrera - 4

From  
G. Kistaiah,  
SLM/Jagtial.

To  
S.A. Saleem,  
Lineman (Cannal),  
Jagtial.

Sub: Making one Tzking one - Reg.

R.V.SDOT/Je Lr.No.10B/93-94/160  
dated

2. SDOT/Jel. Lr.No.E/11/LM/93-94/156

I am making over stores of Jagtial sub  
division as per SDOT/Jgl Transfer order. to S.A.Saleem  
LNC the following registers are made over and the  
are entered in register one madeover.

1. Line Stores Book No.	...	1A
2. Line -do-	..	....1B
3. A&P Stores -do-	..	--- 2A
4. -do-	...	2B
5. A&P Store Book	...	2 C
6. Tools Register Book No.		4 A
7. Drop wire		3
wireform Register Book Bo.		4 B
9. Tools Register		1
10. Unserumble	Book	6
11. Furniture	Book	5A
12. Electrical	Book	20
13.Recovered Stus	Book	7
14. Instruments Register		2 E
15. Store Vouchers		one
Vechicle	Book No.	6A
17. Furniture	Book No.	5 B
18. New Register	Books	4 Nos.
19. Grand Volume		26 Nos.
20 Protective		7 Nos.

Taking over  
Sd/-  
S.A. Saleem.

Making over.  
Sd/-  
G. Kistaiah.

//True Copy//

12-593

-:10:-

ANNEXURE - V

13

GOVERNMENT OF INDIA

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS  
A.P. CIRCLE. TRIVENI COMPLEX ABIDS,  
HYDERABAD - 500 001

No. TA/STA/6-2/XII

Dated: 26-9-89

To  
All Area Directors/Telecom Dist. Managers.  
All Telecom Dist. Engineers/DEs Telecom.

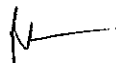
With reference to the clarification sought  
by Director Tirupathi, regarding selection of Store  
lineman, it is hereby clarified as below:-

1. Volunteers may be called for from S.I.(O)  
as well as Lineman.
2. Preference to be given to seniors among  
S.I.(O) If S.I(O) is not found fit, the  
reasons for the same may be recorded in  
writing.
3. Subject to (2) Linemen applicants can be  
considered. Preference to be given to  
seniors. If senior candidate is not found  
fit, reasons for the same may be recorded  
in writing.
4. If the senior most L.M. after posting as  
Store Lieman is latter found to be unfit  
for the job, the next senior L.M. has to  
be posted in his place.

Sd/- J. Balakrishna.

Dy. General Manager (Admn)

//True Copy//



KARIMNAGAR DISTRICT  
IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL :: HYDERABAD BENCH

O.A.No. of 1993

Memorandum of O.A.

10/2/93  
R. S. Reddy  
for the Applicant

M/s K. Lakshmi Narasimha, LL.M.,  
R.S. Reddy. B.A(Hons) M.A.LL.B.,  
Counsels for theApplicant.

15

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

Date : 24-6-93

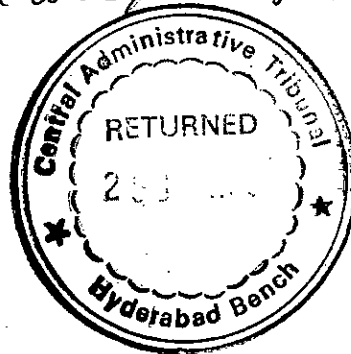
O.A. Regd. No. 1751/93

To  
Mr. K. Laxminarasimha,  
Advocate

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter; failing which your application will not be registered and action Under Rule 5 (4) will follow.

1. Copy of the impugned Order only to be attached to the Nos. 1751/93 & 1752/93 and the other material papers are to be filed separately.



1.  
2.  
3.  
4.  
5.  
6. operations Complied  
7. with  
8. 25/6/93  
9.  
10.  
11.  
12.  
13.  
14.  
15.



Deputy Registrar (Judl)

16

Dated: 28-6-1955.

উপস্থাপনা

And

AND  
DIPLOMA

- 2000

...

K. Lakshmi Narasimha

14-00000

W. LINDENBERG, A.D. 690.

Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairman  
Hon'ble Mr. P. Thiruvengadam, Administrative Member

Admit. Post on 9-8-1993 for final hearing subject  
ed; for counter in the meanwhile."

Issue decided by the 3rd Department.

Deputy Registrar (D.I.)

1. The Telecom District Engineer, Karimnagar-001.
2. The Sub Divisional Officer, Telecom, Jagtial-327.
3. Sri. G. Laxman, Telephone Exchange, Jagtial, Karimnagar Dist.
4. One copy to Sri. K. Lakshmi Narasimha, J.V. Office, R.T., Hyd.
5. One copy to Sri. V. Chinanna, Addl. CGSC, R.T., Hyd.
6. One spare copy.

182 st  
page 3.28/3  
7.6/3

O.P. 6887/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

*P. R. Venkatesh*  
THE HON'BLE MR. K. BALASUBRAMANIAN :  
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR  
REDDY : MEMBER (JUDL)

DATED: 28/6/ -1993

ORDER/JUDGMENT

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

in

O.A.No.

T.A.No.

(W.P.No)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed as withdrawn.

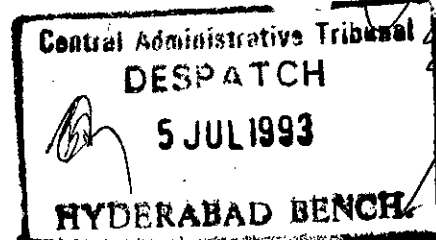
Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm





Annexure R3-1

Date: 15-5-1993.

From:

G. Laxman,  
SI(o), Jagtial.

To

The Sub-Divisional Officer,  
Telecom, Jagtial.

Sir,

Sub: Selection of sum in Jagtial Sub-Division  
Regarding.

-::oOo::-

I submit few lines for your kind consideration and acceptance please. I have given option for SLM post in our Sub-Division. But my name is not considered for the post. Where as Junior LM has been selected for the post in our Sub-Division. It is against to GMT order GMT.HD.No.TA/STA/6-2/XII/26-9-1989. A great in-justice have taken place to me in SLM selection.

Hence, I request you to kindly do justice to me in SLM selection.

Thanking you,

Yours faithfully,

G. Laxman SIO  
( G. LAXMAN, )  
S.I(O) Jagtial.

Copy to:- 1) TDE Karimnagar for necessary action please.  
2) GM (Warangal) for necessary action please.  
3) GM Telecom, Hyderabad.

True Copy  
C. S. S. S.  
Counsel for 3<sup>rd</sup> Repel

checked  
copy

15/5/93

Time 5:15 P.m.



Annexure R3-2

(10)

**All India Telecom Employees' Union**  
**LINE STAFF & GROUP 'D'**

**JAGTIAL (PHONES) BRANCH.**

To

The Sub-Divisional Officer,  
Telecommunications,  
JAGTIAL.

Sir,

Sub:- Irregular selection of S.L.M. at Jagtial -  
Regarding.

-1000:-

I submit few lines for your kind intervention and  
needfull action please.

It is learnt that, our S.D.O.T. (Jagtial), have made  
S.L.M. Selection in the Sub-Division, against to the CGMT.  
orders and our SDOT (JGL) have ignored senior S.I. (O) and  
L.M's name for selection, Junior IM., has been selected  
for S.L.M. post in the Sub-Division.

For this action of S.D.O.T. (JAGTIAL), we strongly  
protect for the same and request you to stop the selection  
which was made irregularly at Jagtial. And also, we request  
you to made selection for S.L.M. Post as per gradation list  
and options given for it.

Thanking you,

Yours faithfully,

Date: 10-5-93

De. Srinivas, L.M.T  
( K. SRINIVAS )  
A.B.S., JGL (P)  
Branch.

Copy to:-

- 1) The ~~Exec~~ T.D.E. (KMR) for necessary action please.
- 2) The G.M. (ML) for necessary action please.

D/S

True Copy  
C. S. S.  
Counsel for 3<sup>rd</sup> Deptt

ALL INDIA TELECOM EMPLOYERS UNION LINE STAFF & GROUP-D  
KARNATAKA DISTRICT BRANCH

20

Ref.: -IU/NFTE/93-94/17

Date: 10-5-1993

To

The Telecom District Engineer,  
KARNATAKA

Sir,

Subj: - Irregular selection of SM at Jagtial Sub-division -  
Regarding.

-000-

It is an item discussed with your kindness for early selection of SM at Jagtial. The present SM have completed tenure 3 months back only. Our S.D.O.T (JGL) have called for options for the post. <sup>Interested</sup> ~~Interested~~ officials have given options for SM post in the sub-division.

Our S.D.O.T(JGL) have violated the orders of G.M.T., H.D.No. TA/STA/6-2 (XII/26-8-89), in the process of SM selection. Our S.D.O.T (JGL) have not <sup>acted</sup> as per the graduation list of the division released on 1-2-1992.

Whereas our S.D.O.T(JGL) have favoured and selected junior LMP as SM, ignoring senior officials.

Hence, I request you kindly stop the selection made by our S.D.O.T(JGL) and implement G.M.T. orders in this regard.

Thanking you.

Yours faithfully,

*(Signature)*  
(A. RAJAGURU),  
N/S (WL).

COPY TO

1. General Manager (Wacangal) for necessary action please.
2. C.G.M.T., Hyderabad.

\*\*\*

o/c.

True Copy  
C. S. S. T.  
Counsel for 3rd Repet.

XERO  
GOI

TELECOMMUNICATIONS::ANDHRA PRADESH

MOC

Office of the Sub-Divisional Officer Telecom, Jagtial - 505 327.

Lr.No.E-11/LM/93-94/162Dated at Jagtial the 22-6-1993.

In pursuance of the orders contained in the Telecom District Engineer, Karimnagar Lr.No.E-58/93-94/28 dated 15-6-93, Sri G.Laxman SI(O) Jagtial is hereby relieved on the A/N of 22-6-93 on Selection of Store Lineman with instructions to report to the Sub-Divisional Officer Telecom, Jagtial.

Copy to:

*[Signature]*  
Sub-Divisional Officer,  
Telecom,Jagtial-505327.

1. Sri G.Laxman SI(O) Jagtial.
2. The Telecom District Engineer, Karimnagar.
3. The J.A.O(W) & TDE-Karimnagar.
4. The Junior Telecom Officer (OD) Jagtial. He is requested to intimate the date of relief of the official.
5. P/F of the official.
6. Office copy.

*True Copy*  
*C. S. [Signature]*  
*Counsel for 3rd Respondent*

From,

G. Laxman S.LM

Sagtrial

Date 22.6.93

(22)

Annexure R3-S

To  
The S.D.O.T  
Sagtrial

Respected Sir -

Sub. - Joining Report Reg. -

I am reliving D.F. in Section 2.001/11/93/94  
22.6.93 A/F  
Joining today S.D.O.T office as a SLM.  
22.6.93 A/F

Thanking you Sir

Received copy

K. Gangaram  
22/6/93. TM

Yours Faithfully

G. Laxman S.LM.  
Sagtrial

True Copy  
C. S. S.  
Counsel for 3rd Respondt-

Page 1  
Cont-1

पुस्तक विभाग

Annexure R3-6

(23)

DEPARTMENT OF TELECOMMUNICATIONS

From

To

Date 26-6-93

Received From JE O/o Saghtal  
Receivable stored

1) 9" GI Pipe	—	2 No	Each one 9 Feet
2) 1" GI Pipe	—	1 No	" 11 1/2 Feet
3) 2" GI Pipe	—	1 No	" 12 Feet
4) 2" GI Pipe	—	1 No	" 5 Feet
5) 2" GI Pipe	—	1 No	" 13 Feet
6) 2" GI Pipe	—	2 No	" 10 Feet
7) 2" GI Pipe	—	1 No	" 12 Feet
8) 2" GI Pipe	—	1 No	" 9 Feet
9) 2" GI Pipe	—	1 No	" 10 Feet
Total		11	No Pipes

G. Laxman SLM  
Saghtal

True Copy  
C. E. S.  
Counsel for 3rd Repd.

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH, HYDERABAD

O.A. No. 688 of 1993

BETWEEN,

S.A. Saleem

.... Applicant

and,

The Telecom Dist. Engineer,  
Karimnagar & 2 ors.

.... Respondents

COUNTER AFFIDAVIT OF THE 3rd RESPONDENT

I, G. Laxman, S/o G. Krishna Reddy, aged about 40 years, Sub-Inspector (O), Jagtiyal, temporarily come down to Hyderabad, do hereby solemnly and sincerely affirm and state as follows:

1 (a) I am the 3rd respondent in OA No.688 of 1983 and well acquainted with the facts of the case. I have had the application and the interim order dt. 28.6.93 made by this Hon'ble Tribunal read over and explained to me and I understand the same.

2 (a) With regard to the averments in para 6(1) of the OA, [redacted] that the "petitioner" (i.e. the "applicant") is the senior Lineman working in the 2nd respondent's office is not true. The Provisional Gradation List of permanent Linemen of Karimnagar Telecom Distt. as on 1.7.92 (circulated under the 1st respondent's Endt. No.E.263/V.Coll. II/92-93/38, dt. 22.12.92) shows my name at Sl. No.7 and also indicates in Column 4 thereof that I am functioning as Sub-Inspector (O) at Jagtiyal. The applicant's name is shown at Sl.No.48 and he is shown as Lineman, Jagtiyal.

[redacted]

G. Laxman

Corrections:

DEPONENT

(25)

There are more than 10 Linemen over him but below SIs

(O) (I submit in this connection that a Lineman is promoted to a higher scale admissible to S.I.(O) and the promotion is by way of seniority). Therefore the applicant's averment that he is senior Lineman is false.

(b) With regard to the averment that eligible Linemen are considered for "appointment" on merit-cum-ability basis as the post is a selection post is not a correct averment. There is no appointment to the post as such because it is basically a post of Lineman for which appointment is already made. What is involved in this case is "posting" (but not 'appointment') as Stores Lineman. It is no doubt a selection post but the selection is to be in accordance with the orders in Annexure - V dt. 26.9.89. According to this Annexure (filed by the applicant himself) for selection of Stores Lineman, volunteers are to be called for from among Sub-Inspectors (O) as well as Linemen and preference is to be given to the seniors among Sub-Inspectors (O) and only if the Sub-Inspectors (O) are not found fit for the post, Linemen who apply for the post are considered. But where a SI(O) is not found fit, reasons are to be recorded in writing. When such reasons are to be recorded in writing, I submit that the selection is subject to scrutiny by the next higher authority either as an Appellate Authority or as an administrative superior.

(c) But the 2nd respondent ignored the said orders in Annexure V, albeit deliberately, and selected the applicant though he disqualified himself for selection

*G. L. S. Mahan*

*[Signature]*  
Corrections:

DEPONENT



(26)

[REDACTED]

being not permitted to cross EB [REDACTED] Yet the 2nd respondent favoured him. The applicant's averment that persons holding the post should undoubtedly have high integrity is no doubt true but the averment that he should also enjoy the confidence of his immediate superior is neither a true nor a valid averment! The applicant's claim of having "a proven tract record and high integrity" is a false and unjustified claim in view of the averments supra. This Hon'ble Tribunal may be pleased to call for the Service Book and the Personal File of the applicant to verify the correctness of the above averments and to find out whether he has any proven tract record and high integrity.

3. With regard to the averments in para 6(2), it is no doubt true that options have been called for from Sub-Inspectors (O) and Linemen but it is baseless to say that the applicant was selected "based upon his excellent service record and undoubted integrity". I submit that his very selection was irregular and I therefore submitted a representation on 15.5.93 itself protesting against the wrongful selection and demanded justice for me, vide Annexure R3-1. I submitted copies thereof to the 1st respondent and other higher authorities for necessary action. All India Telecom Employees' Union, Line staff and Group 'D' of which I am a member protested against the wrongful selection, vide letter dt. 10.5.93 of the Jagtiyal Phones Branch of the said Union. The protest was made 2 days before the applicant admittedly took charge on 12.5.93. The Karimnagar Telecom Dist.

Corrections:

G. L. Mahan  
DEPONENT

(27)

Branch of the said Union also protested against the applicant's irregular selection, vide their letter dt. 10.5.93. These letters are filed as Annexures R3-2 and R3-3 respectively. In view of the protests the 1st respondent is reported to have given telephonic instructions to Sri Anjaiah, JTO, Jagtiyal, to inform the 2nd respondent to hold the selection orders in abeyance. The JTO was instructed because the 2nd respondent (the SDOT, Jagtiyal) was on leave on that day and returned only on 11.5.93. But immediately after he rejoined, he made arrangements to ensure that the applicant took charge.

4 (a) With regard to the averments in para 6(3) that the 1st respondent cancelled the "appointment order" of the applicant, I submit in the first instance that there was no "appointment order" as such. But what was cancelled was the selection made by the SDOT, Jagtiyal i.e. the 2nd respondent, selecting the applicant as Store Lineman, Jagtiyal. It is obviously on account of the fact that the selection was in gross violation of the orders in Annexure V (filed with the OA). The applicant's averment that I did not make any appeal or representation to the competent authority is evidently due to the fact that he was not aware of Annexure R3-1. The 1st respondent's intervention is obviously not suo-motto but based on the aforesaid representations from me and from the Union. Therefore it is not true to say that the 1st respondent's action is "without basis".

(b) It is also not true to say that the 1st

G. Lakshman

Corrections:

DEPONENT

respondent is not the Appellate authority. In respect of statutory punishments imposed by the Sub-Divisional Officers upon Lineman and other staff in the Sub-Divisions, the 1st respondent (TDE) is the competent appellate authority. Being the administrative superior authority, he is also competent to pass the administrative orders to rectify any irregularities as in the present case and that is what was done in this case.

(c) The applicant's averment that I did not join duty is false. As soon as the impugned order Annexure 1 was passed and communicated, the applicant reported sick from 16.6.93 to 27.6.93. Therefore he might not have been aware of the fact that in pursuance of the orders in Annexure 1, I was relieved by the 2nd respondent on the A/N of 22.6.93 with instructions to report to SDOT, Jagtiyal on selection as a Store Lineman, vide the 2nd respondent's order Annexure R3-4 dt. 22.6.93 followed by the order of the JTO, O/D, Jagtiyal relieving me ~~from~~ the strength of his section to carry out the 2nd respondent's order. Immediately on relief, I gave my joining report as directed by the 2nd respondent in the Inward Registry of the 2nd respondent's office and as per his instructions my joining report was acknowledged in the Inward Registry by one Mr. Gangaram, Temporary Status Mazdoor, in-charge of Inward Registry who received my joining report on behalf of the 2nd respondent, vide Annexure R3-5. Therefore I submit that the applicant's averment that I did not join as Store Lineman is not true. Technically he did not handover the charge to me because he ran away

Corrections:

*R. Laxman*  
DEPONENT

on medical leave to avoid the 1st respondent's orders and filed the OA to obtain the aforesaid interim order.

(d) In this connection I submit that the JTO, O/D, Jagtiyal gave me recovered stores on 26.6.93, vide Annexure R3-6 which is the copy of my receipt given to the said JTO by me as Stores Lineman. I therefore submit that there is no substance in the applicant's averment that he did not hand over the charge to me. Even assuming that he did not handover materials kept in the custody of the Lineman, I submit that it does not mean the charge of the post is not made over to me. If avoidance of making over Stores in his custody ~~amounts~~ is to be treated as not making over of the charge of the post, then anybody and everybody can so evade making over the charge of the post. On the face of it, the claim is fallacious and untenable.

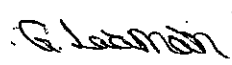
5 (a) In view of the above facts, I submit that the interim directions of this Hon'ble Tribunal that

"Status quo ante as on to-day F/N has to be maintained"

can only mean that I should be continued as Stores Lineman of Jagtiyal Sub-Division pending finalisation of the OA. Notwithstanding the same the 2nd respondent thought fit to admit the applicant also as Store Lineman but did not relieve me from that post.

(b) I, therefore, submit that the OA is liable to be dismissed and I pray accordingly.

 Corrections:

  
DEPONENT

IN THE CENTRAL ADMN. TRIBUNAL,  
HYDERABAD BENCH, HYDERABAD

O.A. No. 688 of 1993

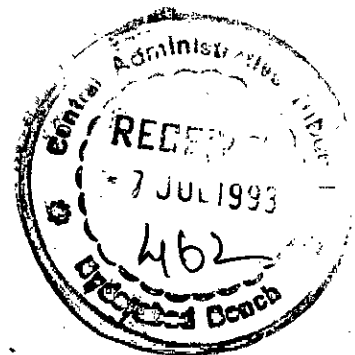
BETWEEN

S.A. Saleem ..... Applicant

and

The TDE Karimnagar  
and 2 ors.

..... Respds.



COUNTER-AFFIDAVIT OF 3RD RESPDT.

Recd copy  
V. Raja Sekhar  
7/7/93

E  
7/7/93

Filed by:

M/s C. Suryanarayana  
P. Bhaskar

COUNSEL FOR APPLICANTS

(30)

6. Pending finalisation of the OA, it is just and necessary that this Hon'ble Tribunal may be pleased to clarify that Status quo as on F/N of 28.6.93 means my continuance as Stores Lineman. Alternatively, this Hon'ble Tribunal may be pleased to vacate interim order dt. 28.6.93 in the above case and allow the 1st respondent's order <sup>No. E-58/93-94/28, dt. 15-6-93</sup> (Annexure 1) to prevail so that I continue as Store Lineman. Otherwise I will suffer great prejudice and injury.

*G. Lakshmi*  
DEPONENT

Solemnly and sincerely affirmed  
at Hyderabad this the 4th day of July, 93  
and signed

BEFORE ME

*V. Raja Sekh*  
ADVOCATE, HYDERABAD

Corrections:

AT HYDERABAD.

O.A.NO. 688 / 1993.

Between:

Sk. Abdul Saleem

..... Applicant.

and

Telecom District Engineer,  
Karimnagar and 2 others.

..... Respondents.

COUNTER AFFIDAVIT FILED ON BEHALF OF ALL THE RESPONDENTS

I, K. Gopala Krishna, S/o K.R.J. Rao aged about 53 years, occupation Government service, do hereby affirm and state as follows.

1. I am working as Assistant General Manager (Admn) in the Office of Chief General Manager Telecom (Respondents organisation), as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of all the Respondents as I have been authorised to do so. The material averments in the O.A. are denied, save those that are expressly admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder.

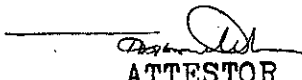
2. At the outset it is submitted that the Stores Lineman post is a tenure post for 4 years. The post does not carry either special pay or allowance. The post is filled up by way of selection among the volunteers called for from Sub-Inspectors (Oper) and Linemen.

The following procedure is followed to fill up the above post.

(1) Preference is given to seniors among SI(O). If SI(O) is not found fit, the reasons for the same are recorded in writing and the senior most Lineman among the volunteers is considered.

(2) If the senior most Lineman after posting as Stores Lineman is later found to be unfit for the job, the next selected senior Lineman is posted in his place.

1 st Page  
Corrs.

  
ATTESTOR  
विधि अधिकारी  
Law Officer

पु. म. प्र. दरसनार भा. प्र., का कार्यालय  
O/o Chief General Manager, Telecom, A.P.,  
हैदराबाद, Hyderabad-500 001

  
DEPONENT

सहायक महाप्रबन्धक (प्रशासन)  
Asst General Manager (Admn)  
मुख्य महा प्रबन्धक का कार्यालय  
O/o. Chief General Manager Telecom  
आंध्र प्रदेश, हैदराबाद-500 001.  
Andhra Pradesh, Hyderabad-500 001

(32)

3. In reply to para 6, it is submitted that the volunteers were called for the post of Stores Lineman, Jagityal for a period of 4 years from 1993 to 1997. 8 applications were received from the following SI(O) and Linemen for the post of Stores Lineman, Jagityal.

<u>Name of official</u>	<u>Date of appt.</u>
(1) Sri P.V.Prasada Rao, SI(O)/MTL	12-4-1974
(2) Sri G.Laxman, SI(O)/JGL	4-8-1974
(3) Sri M.V.S.Mohana Rao, LM/JGL	25-3-1981
(4) Sri M.Narasaiah, LM/JGL	1-8-1982
(5) Sri S.A.Saleem, LM/JGL	2-2-1983
(6) Sri M.Appa Rao, LM/JGL	6-7-1984
(7) Sri D.Ailaiah, LMP/JGL	1-8-1984
(8) Sri G.Mahender Reddy, LMP/JGL	1-8-1984

Subsequently, the officials at Sl.No. 1 and 3 above left from the contest. As the official at Sl.No. 4 was under going Phone Mechanic Training at Secunderabad, he was not considered for the selection. Thus Sri G.Laxman (Respondent no. 3) and Sri Shaik Abdul Saleem (applicant) were left available for consideration.

4. It is submitted, the applicant herein Sri S.A.Saleem was selected as Stores Lineman by the 2nd Respondent herein vide letter no. 108/93-94/60 dated 7-5-93. The applicant reported for duty as Stores Lineman at Jagityal on 9-5-93 F/N.

5. Subsequent to the above, complaints were received from the service unions reporting that the Stores Lineman selection was not done properly. Hence the Telecom District Engineer, Karimnagar (Respondent no. 1) who is Head of the Division, reviewed the entire selection and found that Sri G.Laxman, SI(O) (3rd Respondent) herein is senior, experienced and reliable. Whereas the performance of the applicant Sri S.A.Saleem is not good and he was not permitted to

2nd page  
Corrs.

ATTESTOR  
विधि अधिकारी  
Law Officer  
म. म. व. दूरसंचार अ. प्र., का कार्यालय  
S/o Chief General Manager, Telecom, A.P.  
हैदराबाद Hyderabad-500 001

DEPONENT  
सहायक महाप्रबन्धक (प्रशासन)  
Asst. General Manager (Admn).  
मु. म. व. दूरसंचार अ. प्र. का कार्यालय  
O/o he Chd General Manager T. & C.  
आंध्र प्रदेश, हैदराबाद-500 001.  
Andhra Pradesh, Hyderabad-500 001



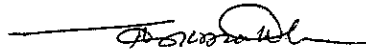
cross Efficiency Bar during 1990. As such the selection made by the 2nd respondent appointing the applicant as Stores Lineman in preference to the 3rd respondent herein found not correct. Hence the selection and appointment of applicant was cancelled and Sri G.Laxman, SI(O) the 3rd respondent herein has been selected as Stores Lineman vide letter no. E-58/93-94/28 dated 15-6-93 by the 1st respondent herein. Accordingly the 3rd respondent reported for duty as Stores Lineman at Jagityal on 22-6-1993 A/N.

6. It is submitted that the applicant did not make over the charge of Stores Lineman to the 3rd respondent herein, instead he has gone on medical leave w.e.f. 16-6-1993.

7. It is submitted that the Stores Lineman is required to handle the stores worth several lakhs of rupees, a senior most, experienced and reliable candidate has to be posted in that post. Keeping in view the above factors and genuineness of fitness, Sri G.Laxman the 3rd respondent herein was selected and appointed as Stores Lineman in preference to the applicant herein by the Head of the Division.

8. The TDE, Karimnagar is competent and has powers to interfere with the selection done by the 2nd respondent in view of the complaints from the service unions. The selection of the 3rd respondent is quite in order.

9. In view of the above facts and submission, it may please be seen that the applicant has not made out any case, either on the facts or on law and there is no merit in the O.A. It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the O.A. with costs and pass such further and other order or orders as this



ATTESTOR

बिबि अधिकारी

Law Officer

श्री. ए. व. देवराज रेड्डी, का कार्यालय  
O/o Chief General Manager, Telecom A.P.  
हैदराबाद Hyderabad-500 001



DEPONENT

सहायक महाप्रबन्धक (प्रशासन)  
Asst. General Manager (Admn)  
मुख्य महा प्रबन्धक का कार्यालय  
O/o the Chief General Manager Telecom  
आंध्र प्रदेश, हैदराबाद-500 001.  
Andhra Pradesh, Hyderabad-500 001

34

Hon'ble Court may deem fit and proper in the circumstances of the case.

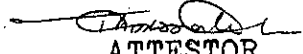
VERIFICATION

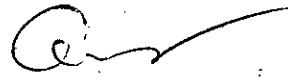
सहायक महाप्रबन्धक (प्रशासन)  
Asst. General Manager (Admn)  
मुख्य महा प्रबन्धक द्वारा का कार्यालय  
O/o the Chief General Manager Telecom  
आंध्र प्रदेश, हैदराबाद-500 001.  
Andhra Pradesh, Hyderabad-500 001

I, K.Gopala Krishna, S/o K.R.J.Rao do hereby state what

all stated on the above counter affidavit are true to the best of my knowledge and belief. Hence verified on 15th day of November 1993.

4th and last  
page corrs.

  
ATTESTOR  
विधि अधिकारी  
Law Officer  
श्री. म. प्र. दूरसंचार आ. प्र., का कार्यालय  
O/o Chief General Manager, Telecom A.P.  
हैदराबाद Hyderabad-500 001

  
DEPONENT  
सहायक महाप्रबन्धक (प्रशासन)  
Asst. General Manager (Admn)  
मुख्य महा प्रबन्धक द्वारा का कार्यालय  
O/o the Chief General Manager Telecom  
आंध्र प्रदेश, हैदराबाद-500 001.  
Andhra Pradesh, Hyderabad-500 001

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

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

ORIGINAL APPLICATION NO.

688

OF 1993

2

TRANSFER APPLICATION NO.

35

OLD PETN.NO.


CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 23/11/93.

Counter Signed:



  
Signature of the Dealing Asst.

Section Officer/Court Officer,

Rsm/-

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(36) (38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

O.A. 688/93

Dt. of Decision : 18.11.93.

Shaik Abdul Saleem

.. Applicant.

Vs

1. The Telecom District Engineer,  
Karimnagar - 505 001.
2. The Sub Divisional Officer,  
Telecom, Jagtial - 505 327.
3. G. Laxman, S/o G. Krishna Reddy,  
aged 40 years, R/o Lineman,  
Telephone Exchange, Jagtial,  
Karimnagar District. .. Respondents.

Counsel for the Applicant : Mr. K.L. Narasimha

Counsel for the Respondents : Mr. V. Bhimanna  
Addl. CGSC for RR 1&2  
Mr. C.Suryanarayana  
for R 3.

CORAM:

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

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDI

O.A. 688/93

Dt. of Decision : 18.11.93

ORDER

As per Hon'ble Shri A.B. Gorthi : Member (Admn.)

The applicant while working as a Senior Lineman under the Sub-Divisional Officer Telecom, Jagtial was selected and posted as Store Lineman, Jagtial vide SDO Telecom (Respondent No.2) order dated 7.5.93. The post of Store Lineman carried the same pay and allowances as that of lineman. The responsibilities of Store Lineman are apparently more onerous as he is required to handle stores. For selection to the post of Store Lineman certain guidelines have been issued by the Chief General Manager Telecommunications, A.P. circle, vide letter dated 26.9.89, addressed to all the Area Directors, Telecom/District Managers, Telecom/District Engineers and DE's Telecom. As per the said guidelines volunteers are required to be called from SIOs and linemen. Preference has to be given to senior among SI(O). If no SI(O) was found fit, the reasons for the same have to be recorded. Subject to these stipulations even linemen also can be considered for being posted as Store Lineman.

38      37

2.            Eight officials including some SIOs and linemen opted for the post of Store Lineman. The respondent No.2 selected the applicant for the post of Store Lineman. The case of respondent No. 3 (G. Laxman) was also considered but respondent No.2 did not find him suitable because there were many public complaints against the respondent No.3. After the said selection the applicant, vide order dt. 7.5.93 issued by respondent No.2, was posted as Store Lineman at Jagtial. According to the applicant, he took over charge ~~of~~<sup>as</sup> Store Lineman on 12.5.93. To his shock and surprise, ~~that~~<sup>the</sup> Telecom District Engineer (Respondent No.1) issued an order dt. 15.6.93 ordering the posting of G. Laxman (Respondent No. 3) as store Lineman and cancelling the earlier orders of the SDO selecting the applicant for the post of Store Lineman. Aggrieved by the said order the applicant has filed this application praying that the impugned order dt. 15.6.93, be quashed as illegal.

3.            ~~Counter~~<sup>2</sup> Replies have been filed on behalf of the official respondents and also respondent No.3. We have heard learned counsel for ~~both~~<sup>the</sup> parties.

4. Mr. K.L. Narasimha, learned counsel for the applicant assailed the validity of the impugned order issued by the Telecom District Engineer on several grounds. Firstly, he contended that the applicant was subjected to ~~a~~ due process of selection and was posted as Store Lineman by the competent authority, namely the SDO Telecom. The said posting thus having been made properly and regularly could not have been cancelled by the Telecom District Engineer, acting on receipt of certain complaints. Posting as a Store Lineman is for a tenure and hence respondent No.1 is not justified in cancelling the selection of the applicant without even giving a <sup>108</sup> ~~prayer~~ notice to the applicant. As the Telecom District Engineer ~~as~~ <sup>ed</sup> purport~~ed~~ to act on receipt of certain complaints, the least that could have been done by him <sup>was to</sup> ~~to~~ give ~~a~~ <sup>to</sup> hearing ~~of~~ the applicant, before passing the impugned order. Failure to do so would amount to ~~violation~~ <sup>violation</sup> of principle of natural justice. Learned <sup>further</sup> counsel for the applicant, questioned the competency of Assistant General Manager (Admn.) to file the counter affidavit on behalf of the respondents.

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5. Mr. C. Suryanarayana learned counsel for the respondent No.3 laid considerable stress on the guidelines issued from the office of the Chief General Manager with regard to selection of Store Lineman. The contention of Mr.C.Suryanarayana is that respondent No.3 being an SIO should have been selected in preference to the applicant. It is further stated in the counter affidavit that the applicant was not even allowed to cross the EB and hence ~~his name~~<sup>he</sup> should not have been selected for posting as Store Lineman. It is also contended that the District Telecom Engineer is fully empowered as a Superior Officer of SDO Telecom, to interfere with the ~~later's~~<sup>the</sup> decisions on such Administrative matters as <sup>a</sup> posting of Store Lineman.

6. Mr. V. Bhimanna learned counsel for the official respondents has stated that on receipt of complaints from service unions that the selection of Stores Lineman was ~~not~~<sup>not</sup> done properly, ~~the~~<sup>the</sup> Telecom District Engineer who is the head of the division reviewed the entire selection and found that Sri. G. Laxman, SIO was more experienced and senior. Consequently he cancelled the order of the SDO and further directed the posting of the third respondent as Store Lineman, Jagtial. The official respondents further contended that the Store Lineman is required



to handle stores worth several lakhs of rupees and hence a senior and experienced candidate was required to be positioned in the post.

7. On the first question whether the Telecom District Engineer is competent to interfere with the selection conducted by the SDO, we must un-hesitatingly hold that he has the necessary power to do so. It may be clarified here that what was done by SDO Telecom was merely selecting a particular official for being posted as Store Lineman. Such posting involves no promotion nor is it a case of fresh appointment. It being purely an administrative action, it is open to any superior officer in the hierarchy to scrutinise the same and modify it, should there be any impropriety in it. The District Telecom Engineer having come to the conclusion that respondent No.3 is better suited for being posted as Store Lineman Jagtial, we cannot come to the finding that his decision is improper as would warrant our interference.

8. Learned counsel for the applicant strongly contended that the action of respondent No.1 is in violation of the basic principle of natural justice in that he acted without giving any notice to the

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applicant and without even giving him<sup>a</sup> personal hearing. As there is no question of any removal or reduction in this case, Article 311 (2) of the Constitution is not attracted. Further we find, that from the order of the Telecom District Engineer, no evil consequences of any significance ~~would~~ <sup>would</sup> flow. Consequently there is no requirement of giving either any prior notice or a personal hearing to the applicant, more so when ~~no~~ <sup>no</sup> right of his was infringed. We find from the material before ~~as~~ <sup>was</sup> that respondent No.1 acted in accordance with the guidelines issued by the Chief General Manager, Telecommunication.

9. As regards the Assistant General Manager (Admn.) filing the counter affidavit on behalf of the official respondents, ~~no~~ <sup>no</sup> irregularity <sup>can be seen</sup> in it as such. ~~Because~~ He is an official of responsibility in the office of the Chief General Manager, Telecom, which is the respondent's organisation <sup>and</sup> ~~as~~ it is stated that he is fully acquainted with the facts of the case. The counter affidavit filed by ~~him~~ <sup>therefore</sup> suffers from no technical defect.

10. In view of what is stated above,  
we find that the impugned order dt. 15.6.93,  
suffers from no such irregularity as would  
call for our interference with it. The  
application is thus dismissed. <sup>There shall</sup> ~~as you shall~~  
be no orders as to costs.

CERTIFIED TO BE TRUE COPY

*Susila Ramani*

Date.....24/11/93.....

Court Officer

Central Administrative Tribunal

Hyderabad Bench

Hyderabad

To

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1. The Telecom Dist Engineer, Karimnagar-1.
2. The Sub Divisional Officer, Telecom, Jagtial-327.
3. One copy to Mr.K.L.Narasimha, Advocate, 16-11-20/13, Saleenmagar, Hyderabad-36.
4. One copy to Mr.v.Bhimanna, Addl.CGSC.CAT.Hyd.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

O.A. 688/93

Dt. of Decision : 18.11.93.

Shaik Abdul Saleem

Applicant.

Vs

1. The Telecom District Engineer,  
Karimnagar - 505 001.
  2. The Sub Divisional Officer,  
Telecom, Jagtial - 505 327.
  3. G. Laxman, S/o G. Krishna Reddy,  
aged 40 years, R/o Lineman,  
Telephone Exchange, Jagtial,  
Karimnagar District.
- Respondents.

Counsel for the Applicant : Mr. K.L. Narasimha

Counsel for the Respondents : Mr. V. Bhimanna  
Addl. CGSC for RR 1&2  
Mr. C. Suryanarayana  
for R 3.

CORAM:

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

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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O.A. 688/93

Dt. of Decision : 18.11.93

ORDER

{As per Hon'ble Shri A.B. Gorthi : Member (Admn.) }

The applicant while working as a Senior Lineman under the Sub-Divisional Officer Telecom, Jagtial was selected and posted as Store Lineman, Jagtial vide SDO Telecom (Respondent No.2) order dated 7.5.93. The post of Store Lineman carried the same pay and allowances as that of lineman. The responsibilities of Store Lineman are apparently more onerous as he is required to handle stores. For selection to the post of Store Lineman certain guidelines have been issued by the Chief General Manager Telecommunications, A.P. circle, vide letter dated 26.9.89, addressed to all the Area Directors, Telecom/District Managers, Telecom/District Engineers and DE's Telecom. As per the said guidelines volunteers are required to be called from SIOs and linemen. Preference has to be given to senior among SI(0). If no SI(0) was found fit, the reasons for the same have to be recorded. Subject to these stipulations even linemen also can be considered for being posted as Store Lineman.

2. Eight officials including some SIOs and linemen opted for the post of Store Lineman. The respondent No.2 selected the applicant for the post of Store Lineman. The case of respondent No. 3 (G. Laxman) was also considered but respondent No.2 did not find him suitable because there were many public complaints against ~~the~~ respondent No.3. After the said selection the applicant, vide order dt. 7.5.93 issued by respondent No.2, was posted as Store Lineman at Jagtial. According to the applicant, he took over charge ~~of~~ of Store Lineman on 12.5.93. To his shock and surprise, <sup>he</sup> ~~that~~ Telecom District Engineer (Respondent No.1) issued an order dt. 15.6.93 ordering the posting of G. Laxman (Respondent No. 3) as store Lineman and cancelling the earlier orders of the SDB selecting the applicant for the post of Store Lineman. Aggrieved by the said order the applicant has filed <sup>an</sup> this application praying that the impugned order dt. 15.6.93, be quashed as illegal.

3. <sup>1</sup> ~~Counter~~ Replies have been filed on behalf of the official respondents and also respondent No.3. We have heard learned counsel for <sup>the</sup> ~~both~~ the parties.

4. Mr. K.L. Narasimha, learned counsel for the applicant assailed the validity of the impugned order issued by the Telecom District Engineer on several grounds. Firstly, he contended that the applicant was subjected to ~~a~~ due process of selection and was posted as Store Lineman by the competent authority, namely the SDO Telecom. The said posting thus having been made properly and regularly could not have been cancelled by the Telecom District Engineer, Acting on receipt of certain complaints. Posting as a Store Lineman is for a tenure and hence respondent No.1 is not justified in cancelling the selection of the applicant without even giving a <sup>108</sup> ~~proper~~ notice to the applicant. As the Telecom District Engineer ~~as~~ <sup>ed</sup> purport to act on receipt of certain complaints, the least that could have been done by him <sup>was to</sup> ~~to~~ give <sup>to</sup> a hearing ~~of~~ the applicant, before passing the impugned order. Failure to do so would amount to <sup>violation</sup> ~~reach~~ of principle of natural justice. Learned <sup>father</sup> counsel for the applicant, questioned the competency of Assistant General Manager (Admn.) to file the counter affidavit on behalf of the respondents.

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5. Mr. C. Suryanarayana learned counsel for the respondent No.3 laid considerable stress on the guidelines issued from the office of the Chief General Manager with regard to selection of Store Lineman. The contention of Mr.C.Suryanarayana is that respondent No.3 being an SIO should have been selected in preference to the applicant. It is further stated in the counter affidavit that the applicant was not even allowed to cross the EB and hence ~~his name~~<sup>he</sup> should not have been selected for posting as Store Lineman. It is also contended that the District Telecom Engineer is fully empowered as a Superior Officer of SDO Telecom, to interfere with the <sup>the</sup> ~~later's~~ decisions on such Administrative matters as <sup>the</sup> posting of <sup>a</sup> Store Lineman.

6. Mr. V. Bhimanna learned counsel for the official respondents has stated that on receipt of complaints from service unions that the selection of Stores Lineman was <sup>not</sup> ~~done~~ properly, <sup>the</sup> ~~the~~ Telecom District Engineer who is the head of the division reviewed the entire selection and found that Sri. G. Laxman, SIO was more experienced and senior. Consequently he cancelled the order of the SDO and further directed the posting of the third respondent as Store Lineman, Jagtial. The official respondents further contended that the Store Lineman is required

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to handle stores worth several lakhs of rupees and hence a senior and experienced candidate was required to be positioned in the post.

7. On the first question whether the Telecom District Engineer is competent to interfere with the selection conducted by the SDO, we must un-hesitatingly hold that he has the necessary power to do so. It may be clarified here that what was done by SDO Telecom was merely selecting a particular official for being posted as Store Lineman. Such posting involves no promotion nor is it a case of fresh appointment. It being purely an administrative action, it is open to any superior officer in the hierarchy to scrutinise the same and modify it, should there be any impropriety in it. The District Telecom Engineer having come to the conclusion that respondent No.3 is better suited for being posted as Store Lineman Jagtial, we cannot come to the finding that his decision is improper as would warrant our interference.

8. Learned counsel for the applicant strongly contended that the action of respondent No.1 is in violation of the basic principle of natural justice in that he acted without giving any notice to the

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applicant and without even giving him<sup>a</sup> personal hearing. As there is no question of any removal or reduction in this case, Article 311 (2) of the Constitution is not attracted. Further we find, that from the order of the Telecom District Engineer, no evil consequences of any significance ~~would~~ <sup>would</sup> ~~good~~ flow. Consequently, there is no requirement of giving either any prior notice or a personal hearing to the applicant, more so when ~~more~~ <sup>no</sup> right of his was infringed. We find from the material before ~~as~~ <sup>W)</sup> that respondent No.1 acted in accordance with the guidelines issued by the Chief General Manager, Telecommunication.

9. As regards the Assistant General Manager (Admn.) filing the counter affidavit on behalf of the official respondents, ~~no~~ <sup>no</sup> ~~irregularity~~ <sup>can be seen</sup> in it as such. ~~Because~~ He is an official of responsibility in the office of the Chief General Manager, Telecom, which is the respondents' organisation ~~as~~ <sup>and</sup> it is stated that he is fully acquainted with the facts of the case. The counter affidavit filed by ~~him~~ <sup>therefore</sup> suffers from no technical defect.

Hyderabad

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High court File no. 159/99

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

WRIT PETITION NO. 17785 /1993  
U.P.M.P.NO. /1999.

A Writ Petition was filed in the High Court of Andhra Pradesh  
by Sri Shaik Abdul Saleem. By 1) The Telecom. District Engg.  
Karim Nagar & Dy.  
against the Order/~~Judgment~~ of this Hon'ble Tribunal dt. 18-11-92  
and made in O.A.No. 688/93

The High Court was pleased to ~~Dismiss/Allow/Disposed of~~  
Order ~~Interim Suspension/Stay/Notice the operation of Judgment~~  
on 26-11-93

The Judgment of the Tribunal in O.A.No. 688/93  
/Notice  
and the ~~order~~ of the High Court of Andhra Pradesh enclosed  
herewith for perusal.

Submitted.

Deputy Registrar.

Hon'ble Vice-Chairman.

Hon'ble Member (A) I

~~Hon'ble Member (A) II~~

Hon'ble Member (J) Bz  
25/11

WRIT OF COURT ORDERS—ORDER LIST (TO PRODUCE AND/OR TO APPEAR)  
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD.

(Special Original Jurisdiction)

*Filed*  
Fri day, the 26<sup>th</sup> day of November  
One thousand nine hundred and ninety three

WRIT PETITION NO. 17785 of 1993

Between

Petitioner

Shaik Abdul Saleem  
And  
Respondent

No.

Registrar Central Administrative  
Tribunal, Hyderabad Bench Opp. A.C. Nagar  
Respondent No. 4

Mr. K. Lakshmi Narasimha Rao. Upon motion this day made into this Court by being  
opinion that the record relating to and touching upon all the matters and contentions raised in the Memorandum  
of representation petition, a copy of which is annexed hereto, together with the decision therein, should be called  
or and pursued.

## IT IS HEREBY COMMANDED

- 1) That you, the aforesaid respondent No. 4 do send for our use in High Court of Judicature  
of Andhra Pradesh, Hyderabad, all and singular the said record and other with all things touching  
the same as fully and perfectly as they have been made by you and now remain your custody or power  
together with this, Rule nisi before the day of 1993 and 8-11-99

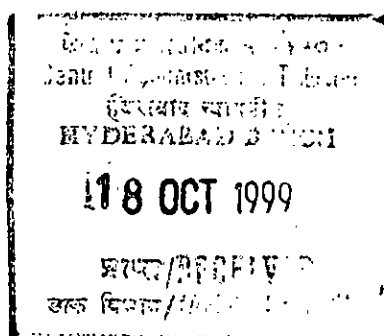
That you intend to oppose the petition, you the aforesaid Respondent No. 4  
do appear personally or by Advocate be the 8-11-99 day of 1993  
at 10-30 a.m. before the Court show cause why this Petition should not be complied with and that we may cause  
to be done there on what of right and according to Law shall see fit to be done.

Notice :— YOU HAVE TO FILE YOUR COUNTER AFFIDAVIT WITHIN 6 MONTHS, UNLESS  
OTHERWISE DIRECTED BY THE HIGH COURT, MATERIAL PAPERS RELED UPON  
BY YOU SHOULD BE FILED IN BOOK FORM DULY STITCHED GIVING EXHIBIT  
NUMBERS TO EACH DOCUMENT.

WITNESS : The Hon'ble M. S. Liberman  
Andhra Pradesh at Hyderabad, this the  
One thousand nine hundred ninety three

Chief Justice of High Court of  
day of 1993 i.e. the year

Assistant Registrar.



undoubtedly of high integrity and having confidence of the superior officer in the 2nd respondent who is in collection and competent authority and under whose control the entire stores department falls. Further material worth less of rupees are stored in the dept. and therefore it is very essential that a senior person with a proven track record with excellent service and a high integrity is selected and appointed for this post.

2. When this post fell vacant on the completion of the tenure of the earlier incumbent, this petitioner along with 7 other persons have been considered by the 2nd Respondent who is the competent authority for the selection and appointment of store lineman.

Out of these 8 persons, this petitioner was selected based upon his excellent service record and undoubted integrity. The 3rd Respondent was not selected because of several complaints and because of his doubtful integrity. Accordingly the 2nd Respondent has appointed the petitioner as Store Lineman at Jodhpur vide appointment order dated 7-5-93 (Pl. see Annex A 2). Consequently the petitioner was relieved from his post vide telegram order dated 8-5-93 (Pl. see Annex A 3) in his earlier post and joined duty as Store Lineman on 12-5-93 and has taken charge as Stores Lineman (Please see Annex. A.4) The petitioner as of date is working in the same capacity.

3. While so the 2nd Respondent has issued the impugned order dated 15-6-93 cancelling the appointment of the petitioner and instead appointed the 3rd Respondent (Please see Annexure A.1). This order was passed behind the back of the petitioner and without giving any

5. The petitioner was validly appointed after due collection. Challenging that collection the 3rd Resp. filed a representation. Based upon that representation the 1st Respondent issued the impugned order dated 15-6-93 cancelling the appointment of the petitioner and instead appointing the 3rd Respondent. This petitioner is entitled to a show cause notice before his appointment is cancelled. Failure to give a notice is violative of principles of natural justice. Therefore the impugned order is bad in law. This the lower court has found to be true but yet very strangely dismissed the case. This is wholly illegal and bad in law and should be set aside by this Honble Court.

6. The 3rd Respondent has earlier had stint of working as Store Lineman. During his tenure, complaints of bribery were received by the 2nd Respondent. This the 2nd Resp. has categorically stated in his counter at page No.3. Further the collection authority has very clearly stated that due to the complaints against the 3rd Respondent and further that he has got no confidence upon the 3rd Respondent, he has not collected the 3rd Respondent. This fact was very well noticed by the Honble CAT, but despite this, the CAT has dismissed the case. This is nothing but putting a premium upon corruption/collusibility. The case ought to have been allowed on this ground alone. Hence the order as well as the impugned order are both bad in law and should be quashed.

7. The reason given by the CAT that this an administrative action not warranting interference is wholly untenable and unsustainable in law. The question that was involved

notice to him. This alleged order was passed on the representation filed by the 3rd Respondent against my appointment. This petitioner is entitled for a notice before passing this order. But unfortunately no notice was given to the petitioner. This order was passed on the pressure put up by the Anglo can Union. Aggrieved by this order, the petitioner has approached the Honble Central Administrative Tribunal, Hyderabad and filed OA No.623/93. This was admitted on 28-6-93 and on the same day Status Quo order was ordered by the Honble CAT. This order was communicated to the Respondent. By that time, this petitioner was still working as Stores Lineman and hence he was continued in the said capacity. This is also borne out by the counter of the 2nd Respondent which was suppressed by the Department. Finally the above case was dismissed on 18-11-93. The petitioner is challenging the order of the Honble CAT in OA 688/93 dated 18 Nov 93 as well as the impugned order of the 1st Respondent dated 15-6-93 as illegal, arbitrary and unconstitutional on the following grounds :-

G R O U N D S

0. The Honble CAT erred in dismissing the case instead of allowing the same. The court having found that the 3rd Respondent has got many complaints and that his integrity was found doubtful by the appointing authority, ought to have quashed the order of the 1st Respondent cancelling the petitioner's appointment. Hence it is contrary to law, probability of case and weight of evidence.

Page No. 3

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was violation of principles of natural justice and violation of Fundamental Rights. The lower court failed to appreciate this element and dismissed the case. This itself is bad in law and should be set aside. The CAT is constituted under the Act to receive disputes of service nature. By simply saying that this is an administrative action not warranting interference is contrary to the Act itself and wholly void. Administrative action should be corrected by Judicial Review and the lower court failed to exercise this power and hence the order is liable to be set aside.

8. The selection and appointment of stores linenman is governed by the guidance issued by the Chief General Manager, Telecom, Hyderabad. No appeal provision is provided therein. The 1st Respondent who has passed the impugned order of cancellation has got no power or authority to cancel the impugned order of cancellation dated 15-6-93 passed by the 1st Respondent is wholly without jurisdiction and bad in law. Further this is prejudicial post and will go into the service record of the petitioner and hence any cancellation adversely affect the petitioner's personal record. For this reason alone notice should be given before cancelling his appointment which was not done in this case and hence the impugned order is bad in law.

9. At the time the applicant filed the case before CAT, the petitioner was under the impression that the order of cancellation was done suo-motto. But he came to know about the representation of the 3rd Respondent only after he has filed his counter and has annexed his representation.

Page No.5  
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Deponent.

fit and proper under the circumstances of the case.

14. Interim Prayer: The petitioner further prays that pending disposal of the main writ petition, this Honble Court may be pleased to suspend the impugned order No. C-58/93-94/28 dated 18 Jun 93 issued by the 1st Respondent and pass such other orders as are deemed fit and proper.

15. The petitioner further prays that pending disposal of the main writ petition, this Honble court may be pleased to suspend the order and judgement in C.A.630/93 dated 10 Nov 93 rendered by the Central Administrative Tribunal, Hyderabad Bench, and pass such other orders as are deemed fit and proper.

Entered and signed before  
on this 22 Nov 93

Deponent

Advocate Hyderabad

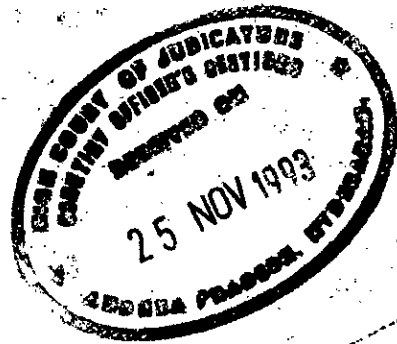
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R. C. Reddy

**Count 1 for the Petitioner**

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

O.A. 688/93

Dt. of Decision : 18.11.93.

Shaik Abdul Saleem

. . Applicant.

Vs

1. The Telecom District Engineer,  
Karimnagar - 505 001.

Telecom, Jagtial - 505 327.

3. G. Laxman, S/o G. Krishna Reddy,  
aged 40 years, R/o Lineman,  
Telephone Exchange, Jagtial,  
Karimnagar District.

. . Respondents.

Counsel for the Applicant : Mr. K.L. Narasimha

Counsel for the Respondents : Mr. V. Bhimanna  
Addl. CGSC for RR 1&2  
Mr. C.Suryanarayana  
for R 3.

CORAM:

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

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

Dr. G.  
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D.A. 688/93

Dt. of Decision : 18.11.93

ORDER

{ As per Hon'ble Shri A.B. Gorthi : Member (Admn.) }

The applicant while working as a Senior Lineman under the Sub-Divisional Officer Telecom, Jagtial was selected and posted as Store Lineman, Jagtial vide SDO Telecom (Respondent No.2) order dated 7.5.93. The post of Store Lineman carried the same pay and allowances as that of lineman. The responsibilities of Store Lineman is required to handle stores. For selection to the post of Store Lineman certain guidelines have been issued by the Chief General Manager Telecommunications, A.P. circle, vide letter dated 26.9.89, addressed to all the Area Directors, Telecom/District Managers, Telecom/District Engineers and DE's Telecom. As per the said guidelines volunteers are required to be called from SIOs and linemen. Preference has to be given to senior among SI(O). If no SI(O) was found fit, the reasons for the same have to be recorded. Subject to these stipulations even linemen also can be considered for being posted as Store Lineman.

2. Eight officials including some SIOs and linemen opted for the post of Store Lineman. The respondent No.2 selected the applicant for the post of Store Lineman. The case of respondent No. 3 (G. Laxman) was also considered but respondent No.2 did not find him suitable because there were many public complaints against ~~the~~ respondent No.3. After the said selection the applicant, vide order dt. 7.5.93 issued by respondent No.2, was posted as Store Lineman at Jagtial. According to the applicant, he took over charge ~~of~~ <sup>as</sup> Store Lineman on 12.5.93. To his shock and surprise, ~~that~~ <sup>the</sup> Telecom District Engineer (Respondent No.1) issued an order dt. 15.6.93 ~~Ordering~~ <sup>Ordering</sup> the posting of G. Laxman (Respondent No. 3) as Store Lineman and cancelling the earlier orders of the SDO, selecting the applicant for the post of Store Lineman. Aggrieved by the said order the applicant has filed this application praying that the impugned order dt. 15.6.93, be quashed as illegal.

3. ~~Counter~~ <sup>1</sup> Replies have been filed on behalf of the official respondents and also respondent No.3. We have heard learned counsel for ~~both~~ <sup>the</sup> parties.

4. Mr. K.L. Narasimha, learned counsel for the applicant assailed the validity of the impugned order issued by the Telecom District Engineer on several grounds. Firstly, he contended that the applicant was subjected to ~~a~~ due process of selection and was posted as Store Lineman by the competent authority, namely the SDO Telecom. The said posting thus having been made properly and regularly could not have been cancelled by the Telecom District Engineer, acting on receipt of certain complaints. Posting as a Store Lineman is for a tenure and hence respondent No.1 is not justified in cancelling the selection of the applicant without even giving a <sup>1st</sup> ~~proper~~ notice to the applicant. As the Telecom District Engineer ~~as~~ <sup>used</sup> purport to act on receipt of certain complaints, the least that could have been done by him <sup>was to</sup> ~~to~~ give ~~a~~ <sup>to</sup> hearing ~~of~~ the applicant, before passing the impugned order. Failure to do so would amount to ~~violation~~ <sup>violation</sup> of principle of natural justice. Learned <sup>further</sup> counsel for the applicant, questioned the competency of Assistant General Manager (Admn.) to file the counter affidavit on behalf of the respondents.

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5. Mr. C. Suryanarayana learned counsel for the respondent No.3 laid considerable stress on the guidelines issued from the office of the Chief General Manager with regard to selection of Store Lineman. The contention of Mr. C. Suryanarayana is that respondent No.3 being an SIO should have been selected in preference to the applicant. It is further stated in the counter affidavit that the applicant was not even allowed to cross the EB and hence ~~his name~~<sup>he</sup> should not have been selected for posting as Store Lineman. It is also contended that the District Telecom Engineer is fully empowered as a Superior Officer of SDO Telecom, to interfere with the ~~later's~~<sup>later's</sup> decisions on such Administrative matters as <sup>a</sup>posting of <sup>a</sup>Store Lineman.

6. Mr. V. Bhimanna learned counsel for the official respondents has stated that on receipt of complaints from service unions that the selection of Stores Lineman was ~~not~~<sup>not</sup> ~~done~~<sup>the</sup> properly, ~~the~~<sup>the</sup> Telecom District Engineer who is the head of the division reviewed the entire selection and found that Sri. G. Laxman, SIO was more experienced and senior. Consequently he cancelled the order of the SDO and further directed the posting of the third respondent as Store Lineman, Jagtial. The official respondents further contended that the Store Lineman is required



to handle stores worth several lakhs of rupees and hence a senior and experienced candidate was required to be positioned in the post.

7. On the first question whether the Telecom District Engineer is competent to interfere with the selection conducted by the SDO, we must un-hesitatingly hold that he has the necessary power to do so. It may be clarified here that what was done by SDO Telecom was merely selecting a particular official for being posted as Store Lineman. Such posting involves no promotion nor is it a case of fresh appointment. It being purely an administrative action, it is open to any superior officer in the hierarchy to scrutinise the same and modify it, should there be any impropriety in it. The District Telecom Engineer having come to the conclusion that respondent No.3 is better suited for being posted as Store Lineman Jagtial, we cannot come to the finding that his decision is improper as would warrant our interference.

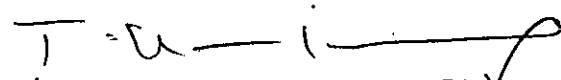
8. Learned counsel for the applicant strongly contended that the action of respondent No.1 is in violation of the basic principle of natural justice in that he acted without giving any notice to the

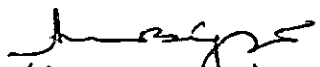
applicant and without even giving him <sup>a</sup> personal hearing. As there is no question of any removal or reduction in this case, Article 311 (2) of the Constitution is not attracted. Further we find, that from the order of the Telecom District Engineer, no evil consequences of any significance ~~would~~ <sup>would</sup> flow. Consequently, there is no requirement of giving either any prior notice or a personal hearing to the applicant, more so when ~~more~~ <sup>no</sup> right of his was infringed. ~~We~~ <sup>We</sup> find from the material before ~~as~~ <sup>wo</sup> that respondent No.1 acted in accordance with the guidelines issued by the Chief General Manager, Telecommunication.

9. ~~As regards the Assistant General~~  
Manager (Admn.) filing the counter affidavit on behalf of the official respondents, ~~no~~ <sup>no</sup> ~~irregularity~~ <sup>can be seen</sup> in it as such. ~~Because~~ He is an official of responsibility in the office of the Chief General Manager, Telecom, which is the respondents' organisation <sup>and</sup> ~~as~~ it is stated that he is fully acquainted with the facts of the case. The counter affidavit filed by ~~him~~ <sup>therefore</sup> suffers from no technical defect.

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10. In view of what is stated above,  
we find that the impugned order dt. 15.6.93,  
suffers from no such irregularity as would  
call for our interference with it. The  
application is thus dismissed. <sup>There shall</sup> ~~as you shall~~  
be no orders as to costs.

  
(T. CHANDRASEKHARA REDDY)

  
(A.B. GORTHI)

Dt. The 18th November 1993.  
(Dictated in open court).

  
Deputy Registrar (J)

- To spr
1. The Telecom Dist Engineer, Karimnagar-1.
  2. The Sub Divisional Officer, Telecom, Jagtial-327.
  3. One copy to Mr.K.L.Narasimha, Advocate, 16-11-20/13, Saleenmagar, Hyderabad-36.
  4. One copy to Mr.v.Bhimanna, Addl.CGSC.CAT.Hyd.
  5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
  6. One copy to Library, CAT.Hyd.
  7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE-CHAIRMAN

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 18-11-1993

ORDER/JUDGMENT:

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

O.A.No. 688<sup>in</sup>/93.

T.A.No. ( W.P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

