

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

OA. 743/93.

Date of order: 14-8-1995.

Between:-

N. Poshanna ... Applicant.

And

1. The Telecom District Engineer, Nizamabad.
2. The Assistant Engineer, Coaxial Maintenance, Nizamabad.
3. The General Manager, Telecom, Warangal Area, Hanamkonda.

... Respondents.

Counsel for the Applicant: Mr. K. Venkateswara Rao

Counsel for the Respondents: Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE.

JUDGEMENT

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

Heard Sri K. Venkateswara Rao, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. The applicant was initially engaged as Casual labour on 29-3-89 under AE, Coaxial Maintenance, Nizamabad, i.e. R-2. Temporary status was granted on 1-10-1989 as per memo No.Cx1.NZB/C-M/90-91 dated 6-4-90 vide Annexure-I. But the same was cancelled as per memo No.WA/GENL/Corr/Casual Mazdoor 92/90 dated 28-4-92(Annexure IV). The same is assailed in this OA. One of the contentions for the applicant is that the impugned order dated 28-4-92 is vitiated as no show cause notice was issued before passing such order.

3. It is merely stated in the counter that the applicant is not entitled to conferment of temporary status as he has not worked for 240 days in any year and the absence for 205 days was not condoned by the competent authority. But it is not even asserted in the reply statement that show cause notice was issued to the applicant before.

4. There is force in the contention for the applicant that civil consequences follow when the order dated 28-4-1989 was cancelled for one gets the pay scale with increments and other allowances from the date on which one attains temporary status. Hence the cancellation of the order dated 28-4-1989 without giving opportunity to the applicant to explain the proposed cancellation is liable to be set aside as being violative of Principles of Natural Justice.

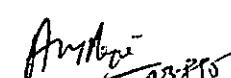
(18)

5. In the above view, we do ~~not~~ know which to express in regard to the merits as to whether the applicant is entitled to the temporary status or not and it is left open for consideration as and when it arises.
6. In the result, the impugned order dated 28-4-92 is set aside and the OA is ordered accordingly. But the respondents are free to take action for cancellation of the order dated 6-4-1990 if there are grounds for cancellation, giving opportunity to the applicant to explain his case. No costs. //


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dt. August 14, 95
Dictated in Open Court


Dy. Registrar (Judl)

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Copy to:-

1. The Telecom District Engineer, Nizamabad.
2. The Assistant Engineer, Coaxial Maintenance, Nizamabad.
3. The General Manager, Telecom, Warangal Area, Hanamkonda.
4. One copy to Mr. K. Venkateswara Rao, Advocate, CAT, Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, 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.

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

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMIN)

DATED 14-8-1995 1995.

ORDER/JUDGMENT:

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

OA. No.

743/93

TA. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Spare Copy

