

A.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD**

O.A.NO.

1648

OF 2001

Between:

T. Trinadh

.. APPLICANTS

AND

The Union of India, Rep.by Under Secretary to
Government and others

.. RESPONDENTS



CHRONOLOGY OF EVENTS

S.No.	Date	Description	Page No
1.	04.03.1980	Initial appointment of the applicant as Draughtsman	2
2.	26.4.1984	Applicant services were regularized	
3.	13.3.1984	O.M issued by the Government of India	2
4.	21.6.1995	2 nd Respondent issued O.M	3
5.	18.7.2000	Orders issued by the 4 th respondent	4
6.	14.8.2000	Order of this Hon'ble Tribunal in O.A.No.1127/2000	4
7.	9.7.2001	Order in O.A.No.466/2001 of this Hon'ble Tribunal	5
8.	29.8.2001	Memo issued by the 4 th respondent	5
9.	3.9.2001	Orders issued by the 4 th respondent	5
10.	23.11.2001	Impugned order issued by the 4 th respondent	6

Hyderabad,

Dt: 10.12.2001

COUNSEL FOR THE APPLICANT

OA 1055/93 Bath (main case)

- 1) OA 1055/93
- 2) OA 1056/93
- 3) OA 1057/93
- 4) OA 1058/93
- 5) OA 1059/93
- 6) OA 1060/93
- 7) OA 1061/93
- 8) OA 1062/93

Bath case



Points raised by Shri AV Thomas, Rep., NAD CE Union(V)

Item XLVII - Reservation for SC/ST posts.

NAD(V) Rep. explained that as per existing orders, no reservation exist to the post of MCM (Master Craftsman) and the same is followed by MD(V). The Chairman directed that the matter be referred to NHQ for clarification. The Chairman further directed NAD(V) to give a reply to NAD CE Union (V).

Action : NAD(V)/SO(Civ).

Points raised by Shri V Srinivas, Rep. MO(V) Works Committee

Item XLIX - Violation of the Factories Act.

Staff Side member pointed out that instruction by HQ ENC to grant compensatory off in lieu of Overtime on working days is not in accordance with the Factories Act. Chairman directed to issue an amendment to the order.

Action : SO(Civ).

Point closed.

ITEM L - OVERHEAD Water Tank at MO(V), Old Site.

The Chairman explained that sanction was issued for Sintom Water Tanks.

Point closed.

ITEM LI - Matching Grant for MO(V) Welfare Fund.

SO(Civ) stated that Govt. instructions are awaited. Chairman directed to collect a copy from Staff Side Member for necessary action.

Action : SO(Civ).

Point closed.

ITEM LII - Filling up of Industrial Posts.

Chairman directed that Naval Headquarters orders to be implemented.

Action : All Units.

Point closed.

Item LIII - Payment of Time Scale Arrears on OT.

Chairman directed that payment be effected by end Jul 89.

Action : MO(V).

Point closed.

OA. 1055/93 Batah

OA. 1055/93
TO
OA. 1062/93

(8)

- 1) OA-1055/93
- 2) OA-1056/93
- 3) OA-1057/93
- 4) OA-1058/93
- 5) OA-1059/93
- 6) OA-1060/93
- 7) OA-1061/93
- 8) OA-1062/93

Batal

ANNEXURE -1

List of Papers in original Application No.

Sl.No. of Papers.	Date of Papers or Date of filing.	Description of papers.
	2-9-83	<u>PART I</u> ORIGINAL JUDGMENT
	27-8-93	Original Application and Material Papers Counter Reply Counter
		<u>PART II</u> Copy of O.A copies material papers. copy of Reply Counter Copy of Judgment.
		<u>PART III</u> Vakalath-nama Notice Papers.

PART-II and PART - III Destroyed.

8/12/98

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. NO. / ~~TA NO.~~

1060 / 1993

P. Krishnaiah

Applicant (S)

Versus

SDO, Telum, Paddapalli 8 2nd

Respondent (S)

Date	Office Note	Orders
		<p><u>2-9-93</u></p> <p>Judgement delivered.</p> <p>The OA is disposed of. No separate sheets.</p> <p>HPTT in (A)</p> <p>HVNRT</p>

15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.1055/93 to
OA.1062/93

date of decision : 2-9-1993

1. K. Kameswara Rao (OA.1055/93)
2. D. Venkateswarlu (OA.1056/93)
3. Sk. Khasim (OA.1057/93)
4. I. Chalameiah (OA.1058/93)
5. G. Ravindra Reddy (OA.1059/93)
6. P. Krishnaiah (OA.1060/93)
7. M. Narasaiah (OA.1061/93) &
8. O. Mallaiah (OA.1062/93) : Applicants

versus

1. The Sub-Divisional Officer
Telecommunications
Peddapalli 505172

2. The Joint-Secretary 050

3. Union of India, rep. by
The Chairman, Telecom Commission
Sanchar Bhavan
New Delhi 110 001

Common respondents
: in all the cases

Counsel for the applicants
in all the cases

: C. Suryanarayana
Advocate

Counsel for the respondents
in OA.1055/93; OA.1056/93 and
OA.1060/93

: N.V. Ramana, Addl. SC
for Central Government

in OA.1057/93 & OA.1058/93

: N.V. Raghava Reddy,
Addl. SC for Central Govt.

Counsel for the respondents
in OA.1059/93; OA.1061/93 and
OA.1062/93

: V. Bhimanna, Addl. SC
for Central Government

FOR AM

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

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

1-1-93

Judgment

(As per Hon'ble Mr.P.T.Thiruvengadam, Member(Admn.))

The applicants in these OAs are casual labourers in Telecommunications Department. They were served with orders of termination from service with one month's notice as per impugned order served on them on 3.8.1993. Enquires were conducted against the applicants for alleged production of forged and false records with regard to their earlier casual labour service in the department, based on which they were further engaged later. The applicants participated in the respective inquiries and the first respondent in the respective OAs figured as witnesses in the inquiries.

2. The two main contentions for the applicants are that (i) the principles of natural justice are not followed in not furnishing the copy of the inquiry officer's report before the impugned orders are passed; and (ii) the first respondent who passed the orders figured as witness.

3. These cases are squarely covered by the judgment dated 26.8.1993 in O.A.No.988/83 and batch cases on the file of this Bench. For the reasons stated therein, we allow these OAs at the admission stage by setting aside the impugned orders and by directing the first respondent to appoint another disciplinary authority who is of the rank equal to or above the first respondent, if it is intended to proceed further with the inquiries and in such a case, it is necessary for disciplinary authority to issue a show-cause notice by enclosing the copy of the inquiry officer's report by informing the applicants that if they intend to challenge the findings therein, they

202 Page 1

17

have to submit their objections within the time stipulated.

4. The OA is ordered accordingly. No costs.

P.T. Thiruvengadam
Member(Admn)

(V. Neeladri Rao)
Vice-Chairman

Dated : September 2, 93
Dictated in the Open Court

Deputy Registrar(J)

To

1. The Sub-Divisional Officer,
Telecommunications, Peddapalli-172.
2. ^{sk} The Telecom District Engineer, Karimnagar-050
3. The Chairman, Union of India, Telecom Commission,
Sanchar Bhavan, New Delhi-1.
5. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Mr.N.v.Raghava Reddy, Addl.CGSC.CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

pvm

TYPED BY

COMPALED 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

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

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 2-9-1993

~~ORDER~~ JUDGMENT:

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

OA-1055/93 } (8 cases)
O.A.No. 1069/93 }
T.A.No. (W.P.) }

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

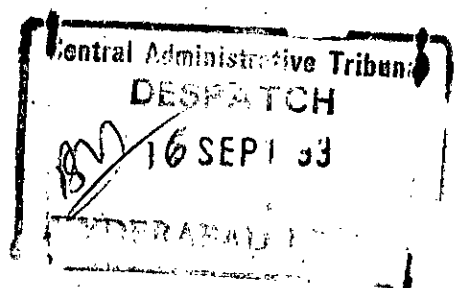
Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

pvm



CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. NO. / ~~TA~~ NO.

1055 / 1993.

K. Kamurasa Rao

Applicant (S)

Versus

300, Teluon, Paddapalli & 2nd

Respondent (S)

Date	Office Note	Orders
		<p><u>2-9-93</u></p> <p>Judgement delivered.</p> <p>The OA is disposed of.</p> <p>No costs. order</p> <p>vide separate sheets.</p> <p>A</p> <p>HPTT</p> <p>M(A)</p>

x

HVNRT

ve

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. NO. ~~EA NO~~

1056/ 1993

D. Venkateswarlu.

Applicant (S)

Versus

SDO, Telum, Paddapalli & 20th

Respondent (S)

Date	Office Note	Orders
		<p><u>2-9-93</u></p> <p>Judgement- delivered.</p> <p>The OA is disposed of.</p> <p>No costs. orders</p> <p>vide separate sheets.</p> <p>✓</p> <p>HPTT M(A)</p> <p>✓</p> <p>HVNRT VC</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

O.A. NO. ~~1057~~ / 1993

1057 / 1993

SK. Khajim

Applicant (S)

Versus

SDO, Teluam, Paddapalli & 2 others

Respondent (S)

Date	Office Note	Orders
		<p>2-9-93</p> <p>Judgment delivered</p> <p>The O.A. is dismissed</p> <p>with costs</p> <p>with separate process</p> <p><i>[Signature]</i></p> <p>MD</p> <p style="text-align: right;">X</p> <p style="text-align: right;">LVNG</p> <p style="text-align: right;">VC</p>

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

O.A. NO. / ~~EA. NO.~~

1058/..... 199 3

I Chalamaiiah

Applicant (S)

Versus

SDO, Teluom, Paddapalli & 20th

Respondent (S)

Date	Office Note	Orders
J L		<u>2-7-15</u> <u>J.</u> The ✓

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

O.A. NO./T.A. NO.

1059/1993



G. Ravindra Reddy

Applicant (S)

The Sub-Divisional ^{Versus} Officer, Telecom,

Respondent (S)

Peddapalli & 2 others

Date	Office Note	Orders
		<p style="text-align: center;"><u>2-9-93</u></p> <p style="text-align: center;">Judgement delivered. The O.A. is disposed of. No costs. Orders vide separate sheets.</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  HPTT <small>(H)</small> </div> <div style="text-align: center;">  HYNRJ </div> </div>

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. NO./T.A. NO.

1061

1993

M. Narasiah

Applicant (S)

Versus

The SDO Telecom, paddapalli
& 2 others.

Respondent (S)

Date	Office Note	Orders
		<p>2-9-93</p> <p>Judgment delivered</p> <p>The O.A. is disposed of. No costs. Orders in do separate sheets.</p> <p>HPTT M/AI</p> <p>HVNBJ VC</p>

O.A. NO./~~E.A. NO~~

1062 / 1993

O. Mallaiah

Applicant (S)

Versus

SDO, Telum, Paddapallie Zolt

Respondent (S)

Date	Office Note	Orders

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO.

1062 OF 1993

Shri G. Mollath Applicant (s)

Versus

SDO, Telecom, Reddypally

Secy.

Respondent (s)

This Application has been submitted to the Tribunal

by Mr C. Jaya Narayana Advocate under section 19 of the Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunal (Procedure) Rules, 1987.

The application has been in order and may be listed for admission on - 8-9-93.

CA/8

[Signature]
Deputy Registrar (J)

8. Has the index of documents been filed and has the paging been done properly? *y*
9. Have the chronological details of representations made and the outcome of such representations been indicated in the application? *yes*
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? *y*
11. Are the application/duplicate copy/spare copies signed? *y*
12. Are extra copies of the application with annexures
 - a) Identical with the original *y*
 - b) Defective
 - c) Wanting in Annexures *2*
 - d) No / Page Nos
Distinctly typed
13. Have full size envelopes bearing full address of the Respondents been filed? *y*
14. Are the given addresses, the registered addresses? *y*
15. Do the names of the parties stated in the copies, tally with those indicated in the application? *y*
16. Are the translations certified to be true or supported by an affidavit affirming that they are true? *m*
17. Are the facts for the case mentioned under item No. 6 of the application.
 - a) Concise? *y*
 - b) Under distinct heads? *2*
 - c) Numbered consecutively?
 - d) Typed in double space on one side of the paper? *y*

stated with particulars for interim order prayed for,

over written
date

Cheek Sheet

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

INDEX SHEET (DUPLICATE)

APPLICANT (S)

O. Mellaiah

RESPONDENT (S)

SDO, Telangana, P. Kelly, 220

Particulars to be examined

Endorsement as to result
of examination

1. Is the applicant competent to file this application? *y*
2. a) Is the application in the prescribed form? *y*
b) Is the application in paper book form? *y*
c) Have prescribed number of complete sets of the application been filed? *y*
3. Is the application *u*
If not by how many days is it beyond time? *—*
Has sufficient cause for not making the application in time stated? *—*
4. Has the document of authorisation/Vakalatnama been filed? *y*
— accompanied by B.D. / I.P.O.
5. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded. *y*
6. Has the copy/copies of the order (s) against which the application is made, been filed? *y*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? *y*
(b) Have the documents referred to in (a) above duly attested and numbered accordingly? *y*
(c) Are the documents referred to in (a) above neatly typed in double space? *y*

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

INDEX SHEET (ORIGINAL)

O.A. NO. _____ 1062 of 1993

CAUSE TITLE O. Mallaiah

VERSUS

SDO, Telum, Paddapalli & 2 others

Sl.No.	Description of Documents	Page No.
1.	Original Application	1 to 5
2.	Material papers	6 to 13
3.	Vakalat	1
	Rejection sheet	→
5.	Spare Copies 3. (Three)	
6.	Covers 3. A	

By to remove the notice of termination the service of the Applicant

Buckley

notice of termination
Taleem

U/S 19 of the A.T. Act, 1985
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

O.A. No. 1062 of 1993

BETWEEN

O. Mallaiah

and

The SDO, Telecom,
Paddapalli & 2 ors.



Applicant

Respondents

INDEX-cum-CHRONOLOGY

S.No.	Date	Description of the document	Annexure	Page
01.	23.08.93	Original Application	01
02.	06.10.90	R-1's letter to applicant calling for his explanation	A-1	06
03.	12.10.90	Applicant's reply to the above	A-2	07
04.	14.08.91	R-1's order appttg. EO/PO	A-3	08
05.	20.08.91	Applicant's lr. to R-1 to clarify under what rules/orders the enquiry	A-4	09
06.	29.01.92	EO's letter to applicant clarifying that the enquiry is being conducted to afford you an opportunity of hearing	A-5	10
07.	20.02.92	Proceedings of the enquiry (1st round)	A-6	11
08.	20.10.92	do (2nd round)	A-7	12
09.	...	Impugned termination notice served to the applicant on 03.8.93		

Received
N.R. Dhanraj
27/8/93
Hyderabad,
23.08.93.

N.R. Dhanraj
COUNSEL FOR APPLICANT

U/S 19 of the A.T. Act, 1985
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

O.A. No. 1062 of 1993

BETWEEN

O. Mallaiah, S/o O. Venkataiah,
about 27 years, Casual Mazdoor
under the 1st respondent, his
address for service of notices
being that of his counsel M/s C.
Suryanarayana & P. Bhaskar,
Advocates, at 1-2-593/50,
SRINILAYAM, Sri Sri Marg,
Gaganmahal, Hyderabad-500 029

.... Applicant

and

1. The Sub-Divisional Officer,
Telecommunications,
Paddapalli - 505 172;

2. The Telecom Distt. Engineer,
Karimnagar - 505 050;

3. Union of India represented by
Sanchay Bhawan,
New Delhi - 110 001

.... Respondents

SUMMARY OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

order No. Nil dt. Nil (Annexure A-8), served to the applicant on 03.8.93 ordering "for termination of your service with a month's notice for the following lapses, from the date of receipt of this letter: (1) PRODUCING FALSE AND FAKE WORK RECORD AT THE BEGINNING WHILE SEEKING FOR WORK, (2) ~~DISREGARDING THE DISCIPLINARY ACTION~~ SUBMITTED" as a shortcut to disciplinary action.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which the application is made is covered by Sec.14(1) of the A.T. Act, 1985. Hence the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The applicant further declares that the impugned order was served to the applicant on 03.8.93. Hence the application is within the limitation prescribed in Sec.21 ibid.

4. FACTS OF THE CASE:

The applicant was initially recruited and employed from 1.12.1985 onwards. The applicant was accused of producing forged, false and fake work record "At the time of your engagement as Casual Mazdoor w.e.f. 9/84". But he was actually employed under the 1st respondent not from 9/84 but from 12/85. Moreover, when the applicant was asked in the enquiry from which date he was working in the Deptt., he stated in reply that he was working from 12/85 and has been continuously working since then in Peddapalli Sub-Division of Karimnagar Telecom Distt. and that he worked nowhere before 12/85. Yet he was accused of producing false and forged work record for the periods from 9/84 to 11/85 "at the beginning while seeking for work", etc. and given the impugned termination notice.

(4.2) On that ground an enquiry was thrust on him with Shri M. Rajasekhar, JTO (Est) as Enquiry Officer ("EO") and Shri M. Rajasekhar, JTO (Est) as Presenting Officer ("PO"). The applicant was not informed under what rules or orders the enquiry is held. He was also not supplied with a copy of the enquiry report. But the EO informed him that "The enquiry is being conducted to afford you an opportunity of hearing".

(4.3) The charges and/or allegations against the applicant have not been established at all. The original records have not been produced for inspection and verification and the most important witnesses on whose letters the applicant is held guilty have also not been examined or offered for cross-examination. The proceedings were conducted and concluded in a most arbitrary manner in gross violation of the principles of natural justice and the provisions of Arts. 14 and 21 as well as of Art.311 of the Constitution of India. The applicant has therefore no other alternative or equally efficacious remedy except to approach this Hon'ble Tribunal in the exercise of its jurisdiction u/Ss 19 and 22 of the A.T. Act, 1985 for the redressal of his grievance.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

(5.1) The statutory rules or orders or the statutory provisions of any law under which the enquiry was ordered and conducted have not been specified or made known to the applicant. As such the enquiry is vitiated ab initio, and, therefore, the impugned termination notice is illegal, null and void.

(5.2) Termination of his service by one month's notice has not been shown to be under the authority of any rule or law or orders or instructions of the Govt. Therefore it must be presumed to be retrenchment within the meaning of Sec.2(oo) of the ID Act.

(5.3) Since more than 100 workmen are employed in Karimnagar Telecom District the respondents are bound to comply with the provisions of Sec.25-N of the ID Act before retrenching the applicant. In fact, the impugned termination notice Annexure A-8 dt. Nil is an impermissible, illegal and void order inasmuch as it is obviously intended to circumvent the statutory requirements and as a shortcut to disciplinary action.

but without admitting that the enquiry was conducted in a proper manner and that it is valid, it is submitted that the applicant has been denied access to the original record not only to enable him to discredit the allegations and charges against the applicant but also to establish his principles of natural justice.

(5.5) The allegations and charges against the applicant have not been established in the enquiry and the respondents have ignored the principle that the burden of proof lies on them to establish the same.

(5.6) The enquiry is obviously held to create the false impression that the applicant is given, a

reasonable opportunity though he was not even furnished with the enquiry report nor given any opportunity to show **why** it should not be accepted and acted upon.

(5.7) Even assuming that the allegations/charges against the applicant are true but without admitting the same, termination of the applicant's service is violative of established law. Therefore, the impugned termination order is void ab initio and liable to be set aside accordingly.

(5.8) The applicant, being a civilian employee, is entitled to protection of Art.311 of the Constitution of India.

(5.9) The applicant may be permitted to urge other grounds at the final hearing.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that there is no statutory remedy against the impugned termination order of the 1st respondent except by way of this application. Hence this application.

7. MATTERS NOT PREVIOUSLY FILED IN OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he has not previously filed any application, WP or suit before any other authority, court or any other Bench of the Hon'ble Tribunal regarding the matter in r/o which this application has been made.

8. RELIEFS SOUGHT:

In view of the above facts and submissions, the applicant prays that this Hon'ble Tribunal may be pleased to call for the records relating to the impugned termination order Annexure A-8 dt. Nil and to quash the same declaring that it is vitiated ab initio by violation of the principles of natural justice, and illegal, null and void and that the applicant is innocent and not liable to ~~be~~ termination from service on any ground whatever.

9. INTERIM ORDER, IF ANY, PRAYED FOR:

Pending finalisation of the OA, the applicant submits that it is just and equitable to suspend the operation of the impugned order Annexure A-8 dt. Nil and prays accordingly or else the applicant will suffer irretrievable loss and injury.

10. PARTICULARS OF THE IPO IN R/O APPLICATION FEE:

IPO No.05-897905 dt.14.8.93 for Rs.50/-

11. LIST OF ENCLOSURES:

- a) IPO mentioned above,
- b) Annexures as per index; and
- c) Vakalat

1 A
I.P.O./B.C./D.D./Removed

VERIFICATION

I, O. Mallaiah, S/o O. Venkataiah, about 27 years, Casual Mazdoor under the 1st respondent, temporarily come down to Hyderabad, do hereby verify that the contents of paras 1 to 4, 6, 7, 10 and 11 are true to my personal knowledge, that those of the remaining I have not suppressed any material fact.

Hyderabad,
23.08.93.

O. Mallaiah
SIGNATURE OF APPLICANT

Adm Bz
COUNSEL FOR APPLICANT

6

Annexure A-1

P R O F O R M A

Office of the Sub Divisional Officer, T. & L. com. / peddapalli

No. A-2/C-1/90-91/10
~~A-2/C-1/90-91/10~~

Dated: 6-10-1990

To

C. Malliah

S/o Venkiah

(Name and address of
the casual mazdoor)

At the time of your engagement as Casual
Mazdoor w.e.f. 9/84 under the Sub Divisional Officer,
Peddapalli, you produced work record in support of
the work done by you in the Department of Telecom. Now it
has come to the notice of the department that the record
supra produced by you is forged, false and fake. You are
therefore directed to submit your explanation in writing
within one week on the above or otherwise it will be
deemed that you have no explanation to offer.

[Signature]
Signature of the Sub
Divisional Officer

T/c

Murthy

counsel for apptnt.

7
Annexure A-2

Date: 12-10-'90.

Pedda Pally.

To,

The Sub-Devisional Officer,

Telecome; PEDDA PALLY.

Sir,

A-2/CC/90-91/10

With reference to your letter No. ~~A-2/CC/90-91/21~~
dated 6-10-'90. I beg to say that I submitted my Mazdoor Days
Card (Note Book) containing the certified days of my work.
The Note Book submitted by me contains my signatures at various
places. I did not submit any forged, false or fake record.
Unless the record contains my signatures at some places or
the other, it cannot be said that it was submitted by me.
The allegation that I submitted forged, false and fake record
is a false allegation. The allegation appears to have been made
with a view to implicate me in a false case deprive me of
the benefits of my long service. Casual Mazdoor in the
Department entitling me to absorption and regularisation in the
Department and pending the same for conferment of temporary
status pending such absorption and regularisation.

Thanking you.

Yours faithfully,

C. Malabar

11C

Shirley

Council for appnt.

SUB-DIVISIONAL OFFICER TELECOM,
OFFICE OF THE PEDDAPALLY - 606172.

Ref.No. W-25/91-92/CL/127/21

Dated: 14.8.91

To

Shri C. Mallaiah

CL member

Sub:-APPOINTMENT OF ENQUIRY OFFICER AND PRESENTING OFFICER.

-000-

Your reply dated: 12.10.90 to the Memo No. A 2/ S1.22/CL/10
Dt. 6.10.90 issued by the undersigned has been
examined and is not found satisfactory.

2. It has, therefore, been decided to hold an enquiry into
the charges mentioned hereunder levelled against you. You are
hereby charged as under:

i) That submission of forged, false and take records in
support of work done by you in the department of
Telecom during the periods from 9/84

to 11/85

ii) The above act/s of yours constitute/s serious
mis-conduct.

3. Shri K. Venkata Ratnam, Designation, A.E.(Plg.) has been
appointed as Enquiry Officer to conduct the enquiry. The
Enquiry Officer will intimate you direct the date, time and
venue of the enquiry.

4. Shri M. Rajasekhar, Designation, J.T.O.(Est.) has been
appointed as Presenting Officer to present the case at the
Enquiry on behalf of the undersigned.

5. You are advised to attend the Enquiry on the appointed
date, time and place. Please note that if you fail to attend
the enquiry or refuse to participate in the proceedings, the
enquiry will be held ex-parte.

(Signature)

Name: A.S. Rao

Designation: SUB-DIVISIONAL OFFICER TELECOM,
PEDDAPALLY - 606172.

(A.S. Rao)

File
Counsel

Annexure A-4

Peddapally,
Date: 20-8-1991.

To

The S.D.O. Telecom.,
PEDDAPALLI - 505 172.

Sir,

Sub:- Appointment of Enquiry Officer and Presenting Officer.

Ref:- W-28/91-92/CL/127/21 - Dt. 14.8.91

-ooo-

As per your instructions in the above cited orders, I shall attend the enquiry. But I request you to be kind enough to clarify under what rules or orders the enquiry is ordered. I also request you to kindly arrange to supply me a copy of the rules or orders under which the said enquiry is ordered for which I am prepared to pay on intimation. Otherwise, I may be informed of the source from which I can get the said rules or orders, so that I may secure them.

I wish to take the assistance of Sri A. Venkateshwarlu, LMP, Jyotinagar, to assist me in the proposed enquiry. The Enquiry Officer may kindly be advised to give notice of the date of enquiry to the said Shri A. Venkateshwarlu, LMP and his controlling authority to attend the enquiry. I shall be grateful for the same.

Thanking you,

Yours faithfully,

O. Malakar

(O. MACCAIAH)

CASUVAC MALDOOR

Copies submitted to:

1. Shri K. Venkataratnam, A.E. (Plg), O/o T.D.E. Karimnagar - 505 050.
2. Shri A. Rajasekhar, JTO (Est), O/o T.D.E., Karimnagar - 505 050. 505001

...

T/c

Adm. Secy.

Comdant

Annexure A-5

G.O.I.

MOC

From

K. Venkata Ratnam,
A.E. (Planning & Admin)
Enquiry Officer,
O/o Telecom District Engineer,
KARIMNAGAR.

To

Sri . . . O. Yallaiah . . .
.....

Letter No. E/RE/91-92/46

Dated at Kaa the 29.1.92

Sub:- Conducting of Enquiry Reg - Permission for
Assistance of AGS Regarding.

Ref:- Your Representantion.

Refer your Representantion requesting for permission
for Assistance of AGS in Enquiry. The clarification for the points
in your representantion are as follows.

- 1) The Enquiry is being conducted to afford you an opportunity
of hearing.
- 2) You are permitted to attend the Enquiry.
The Date & Venue of the Enquiry will be intimated.

[Signature]
A.E. (Planning & Admin)
& Enquiry Officer.

Copy to

SDOT, Karimnagar
SDOP, Karimnagar
SDOT, Peddipalli

For favour of information and for
relieving the AGS when required
for attending to the enquiry.

T/c
[Signature]
Council for appnt.

DEPARTMENT OF TELECOMMUNICATIONS

To day the 1st sitting of the enquiry of casual mazdoors on bogus works record was conducted on 20.2.92 in the Training Hall o/o T.D.S. Karimnagar at 11.00 Hrs.

The following attended.

1. Sri K. Venkataratnam, (Admn) ----- Enquiry Officer
2. Sri M. Rajashakar JTO (Mle) ----- Presenting Officer
3. Sri A. Venkateswarlu, LMP/JTHG ----- A.G.S.
4. Sri O. Malleiah, Mazdoor

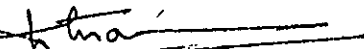
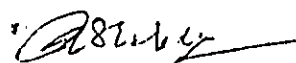
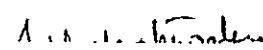

The questions and answers are as follows:

1. What is your name ?
O. Malleiah.
2. From which date are you working in the Department ?
I joined in the month of 12/85 in Peddapally and continuously working there.
I worked nowhere before 12/85. I joined only in 12/85 at Peddapally.
4. Have you submitted your days book to your SDOT ?
I submitted my days book to SDOT for verification.
5. Can you recognise your book ?
Yes I can. The book was shown to him, the mazdoor said that only the book from 12/85 having Peddapally days was, "ele-sia to bio..". He "no" "ser" "id" "ha" "p" "r" "u" "i" "t" "e" "n" "in H.E. he stated the book having days of H.E. from 9/84 to 11/85 was not belonging to him, he confirmed that he never worked in H.E.

The above was recorded in my presence.

Signature of the Enquiry Officer

SIGNATURE

1. Sri K. Venkataratnam 
2. Sri M. Rajashakar 
3. Sri A. Venkateswarlu 
4. Sri O. Malleiah 

T/c
M. P. K.
Conceded for

DEPARTMENT OF TELECOMMUNICATIONS., ANDHRA PRADESH.

Today second sitting of the Inquiry of casual Mazdoors on bogus work record conducted on 20-10-92 in the chamber of SDOT, PLL at 10-00 hrs.
The following attended the Inquiry.

1. Sri K. Venkata Ratnam, Inquiry officer *[Signature]*
2. Sri A. Sundara Rao, SDOT, PLL *[Signature]*
3. Sri M. Raja Sekhar, Presenting officer *[Signature]*
4. Sri A. Venkateswarlu, AGS *[Signature]*
5. Sri O. Mallaiiah, Casual Mazdoor *[Signature]*

The IO directed the PO to present the case.

1. The PO presented the case as follows. He informed SDOT, PLL that the CM under Inquiry stated that the days book having RE days from 9/84 to 11/85 was not belonging to him. The CM stated ~~XX~~ in previous Inquiry that he submitted only one book. Hence ~~XXXX~~ you are directed to confirm how many books have been sent from your office to TDE, KAA.

Ans:- SDOT, PLL replied that the CM has submitted two books and the same two books forwarded to TDE, KAA vide Lr. No W-25/90-91/44 dated at PLL the 23-4-90. As he is having RE days upto 11/85 he was taken for duty from 12/85 in the PLL sub-Division.

2. As SDOT, PLL confirmed two books are sent to TDE, KAA the PO once again questioned the CM to confirm whether two books are belonging to him or no

Ans:- The CM stated that he has given only one book, That he donot know other book having RE days from 9/84 to 11/85.

3. SDOT, PLL once again stated that the same two books sent from his office to TDE, KAA which were received from the CM when questioned second time by the Presenting officer.

4. The AGS questioned the SDOT, PLL whether any receipt was given to the CM under Inquiry when he submitted the days book?

Ans:- SDOT, PLL replied that no receipt was given to Sri O. Mallaiiah, CM. No such receipts are given to any CMs in the sub-divisional office.

5. The AGS stated that the CM demanded for receipt at the time of submission?

Ans:- SDOT, PLL stated that no CM demanded for the receipt and no books are missing.

6. The AGS questioned SDOT, PLL how temporary status was given to the CMs having bogus RE days?

Ans:- No the Inquiry is going on about the bogus RE days ~~XX~~ of Sri O. Mallaiiah, CM. Issue of temporary status to CMs who were having RE days are not pertaining to this Inquiry. This issue can be taken separately.

7. The AGS questioned the SDOT, PLL how having RE days? why temporary ~~XX~~ status was not given to the other CMs?

Ans:- The case will be reviewed how temporary status was given to Sri M. Ch. Obul Reddy and Ch. Subba Reddy. And these two cases will be discussed in detail on the day when the Inquiry was scheduled to those Mazdoors.

The AGS is directed by the IO to take these cases separately also with the Divisional Office and issue of Temporary status to CMs is a separate issue from this Inquiry. The AGS is directed to approach the concerned officers for issue of temporary status.

The above statement was recorded in my presence.

[Signature]
Signature of the Casual Mazdoor.

From:

S.D.O. Telecom

To

Sri O. Mallaiah

Casual Mazdoor

You submitted service record claiming to have worked in Railway Electrification Project during the period from... 9/84 to 11/85 to the Sub-Divisional Officer, Telecom, Karimnagar/Peddapally, Sub-Division and requested for providing work. Relying upon the above record you were engaged in Karimnagar/Peddapally, Telecom Sub-Division. Subsequent to engagement it was found that the record, supra submitted by you is forged and false.

During Departmental enquiry you

1. Stated that you never worked any where for the period from ..9/84..... to 11/85.
2. You stated that the service record of RE was not belonging to you.

During enquiry as you have stated that the work record is not belonging to you it is presumed your work record is bogus.

Hence it is hereby ordered for termination of your service with a months notice for the from the date of receipt of this letter following lapses.

1. Producing false and forged work record at the beginning while seeking for work.
2. Disagreement of submission of the work record supra submitted

O. Mallaiah

SUB-DIVISIONAL OFFICER TELECOM.
PEDDAPALLY - 506172.

T/c
Shri
Comm.

Judgment

(As per Hon'ble Mr.P.T.Thiruvengadam, Member(Admn.))

The applicants in these OAs are casual labourers in Telecommunications Department. They were served with orders of termination from service with one month's notice as per impugned order served on them on 3.8.1993. Enquires were conducted against the applicants for alleged production

casual labour service in the department, based on which they were further engaged later. The applicants participated in the respective inquiries and the first respondent in the respective OAs figured as witnesses in the inquiries.

2. The two main contentions for the applicants are that (i) the principles of natural justice are not followed in not furnishing the copy of the inquiry officer's report before the impugned orders are passed; and (ii) the first respondent who passed the orders figured as witness.

3. These cases are squarely covered by the Judgment dated 26.8.1993 in O.A.No.988/83 and batch cases on the file of this Bench. For the reasons stated therein, we allow these OAs at the admission stage by setting aside the impugned orders and by directing the second respondent to appoint another disciplinary authority who is of the rank equal to or above the first respondent, if it is intended to proceed further with the inquiries and in such a case, it is necessary for disciplinary authority to issue a show-cause notice by enclosing the copy of the inquiry officer's report by informing the applicants that if they intend to challenge the findings therein, they

22/10/93
1.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.1055/93 to
OA.1062/93

date of decision : 2-9-1993

1. K. Kameswara Rao (OA.1055/93)
2. D. Venkateswarlu (OA.1056/93)
3. Sk. Khasim (OA.1057/93)
4. I. Chalamaiiah (OA.1058/93)
5. G. Ravindra Reddy (OA.1059/93)
6. P. Krishnaiah (OA.1060/93)
7. M. Narasaiah (OA.1061/93) &
8. O. Mallaiah (OA.1062/93) : Applicants



versus

1. The Sub-Divisional Officer
Telecommunications
Peddapalli 505172

2. The Telecom District Engineer
Karimnagar 505 050

The Chairman, Telecom Commission
Sanchar Bhavan
New Delhi 110 001

Common respondents
: in all the cases

Counsel for the applicants
in all the cases

: C. Suryanarayana
Advocate

in OA.1055/93; OA.1056/93 and
OA.1060/93

for Central Government

Counsel for the respondents
in OA.1057/93 & OA.1058/93

: N.V. Raghava Reddy,
Addl. SC for Central Govt.

Counsel for the respondents
in OA.1059/93; OA.1061/93 and
OA.1062/93

: V. Bhimanna, Addl. SC
for Central Government

CORAM:

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

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

1 Page

have to submit their objections within the time stipulated.

4. The OA is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY

.....
Date.....

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

15993

1. The Sub-Divisional Officer,
Telecommunications, Peddapalli-172.
2. ^{sk} The Telecom District Engineer, Karimnagar-050
3. The Chairman, Union of India, Telecom Commission,
Sanchar Bhavan, New Delhi-1.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Mr.N.v.Raghava Reddy, Addl.CGSC.CAT.Hyd.
7. One copy to Mr.v.Bhimanna, Addl.CGSC.CAT.Hyd.
8. One copy to Lib-
One spare copy.

pvm

Judgment

(As per Hon'ble Mr.P.T.Thiruvengadam, Member(Admn.))

The applicants in these OAs are casual labourers in Telecommunications Department. They were served with orders of termination from service with one month's notice as per impugned order served on them on 3.8.1993. Enquires were conducted against the applicants for alleged production of forged and false records with regard to their earlier casual labour service in the department, based on which they were further engaged later. The applicants participated in the response to the first respondent in the respective OAs figured as witnesses in the inquiries.

2. The two main contentions for the applicants are that (i) the principles of natural justice are not followed in not furnishing the copy of the inquiry officer's report before the impugned orders are passed; and (ii) the first respondent who passed the orders figured as witness.

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20/10/93
by

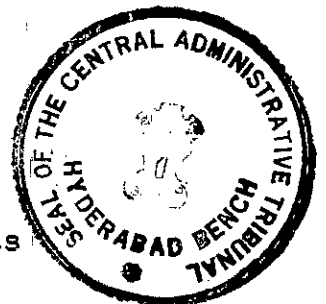
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AT HYDERABAD

OA.1055/93 to
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7. M. Narasaiah (OA.1061/93) &
8. O. Mallaiah (OA.1062/93)

: Applicants



versus

1. The Sub-Divisional Officer
Telecommunications
Peddapalli 505172

2. The Telecom District Engineer

3. Union of India, rep. by
The Chairman, Telecom Commission
Sanchar Bhavan
New Delhi 110 001

Common respondents
: in all the cases

In all the cases

Counsel for the respondents
in OA.1055/93; OA.1056/93 and
OA.1060/93

: C. Suryanarayana
Advocate
: N.V. Ramana, Addl. SC
for Central Government

Counsel for the respondents
in OA.1057/93 & OA.1058/93

: N.V. Raghava Reddy,
Addl. SC for Central Govt.

Counsel for the respondents
in OA.1059/93; OA.1061/93 and
OA.1062/93

: V. Bhimanna, Addl. SC
for Central Government

CORAM:

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

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

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Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

15993

1. The Sub-Divisional Officer,
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9. One spare copy.

pvm