

(18)

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

O.A.No.1023/93.

Date: 30.8.1993.

Between:

T. Subba Rao Applicant

And

1. The Divisional Engineer, Telecom,
Karimnagar Dist., Deptt. of Telecommunications,
Govt. of India, Karimnagar-A.P. 505 001.
2. The Sub-Divisional Officer, Telecom,
Karimnagar Sub-Division,
Deptt. of Telecommunications,
Govt. of India, Karimnagar-505 001-A.P. .. Respondents

APPEARANCE:

For the applicant : Sri P.Naveen Rao, Advocate

For the respondents : Sri N.V.Ramana, Addl. CGSC

CORAM:

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

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

{JUDGMENT OF THE BENCH DELIVERED BY HON'BLE MR.JUSTICE
V.NEELADRI RAO, VICE-CHAIRMAN }

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X

The applicant alleges that he was initially engaged in Feb., 1985 to do manual work of laying of cables and wires and other work of similar nature in the Railway Electrification Project at Nagpur, and from that time till August, 1989 he worked on Mustar Roll basis. The further case of the applicant is that on completion of the work under the said project he migrated to Karimnagar and he was engaged on mustar roll basis with effect from

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1.11.1989 under the Junior Telecom Officer, Telephone Exchange at Jammikunta.

2. An enquiry was conducted doubting the genuineness of some of the certificates of work produced by the applicant and therein the applicant participated. After considering the report of the Enquiry Officer 2nd respondent (R-2) removed the applicant from service.

3. The main contention for challenging the order of removal is that the report of the Enquiry Officer was not furnished before the impugned order of termination was passed.

4. It is evident from the Judgment of the Supreme Court in Md. Ramzan Khan's case [JT 1990(4) SC 456] that there will be violation of principles of natural justice if any order of punishment is passed on consideration of the report of the Enquiry Officer without giving an opportunity to the delinquent employee to submit his objections if any as against the findings given by the Enquiry Officer. In view of the said infirmity it has to be held that the impugned order of termination is vitiated. ^{This Hyderabad Bench has} ~~We have~~ taken a similar view in O.A.No.988 of 1993 and batch.

5. In the result, the impugned order of termination issued by R-2 is set aside, and it is for R-2 to consider as to whether an enquiry has to be continued and if so, he has to furnish a copy of the report of the Enquiry Officer to the applicant so as to enable him to submit objections if any to the same, and if such objections are received within the time to be stipulated by him,

....3/-


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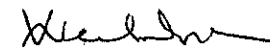
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he has to consider them and pass appropriate orders
in accordance ^{with} of law.

6. The O.A. is ordered accordingly. No costs.

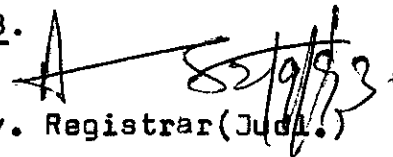
(Dictated in open court)


Member (Admn.)


Vice-Chairman

Dated 30th Aug., 1993.

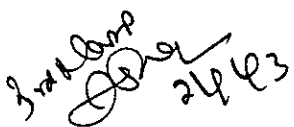
Grh.


Dy. Registrar (Judl.)

Copy to:-

1. The Divisional Engineer, Telecom, Karimnagar District, Department of Telecommunications, Govt. of India, Karimnagar-001.
2. The Sub Divisional Officer, Telecom, Karimnagar Sub-Division, Deptt. of Telecommunications, Govt. of India, Karimnagar-001.
3. One copy to Sri. P. Naveen Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-


24/8/93

C.C. by
6/9/93.

O.A. 1023/93

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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)

AND

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

AND

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

Dated: 3/8/1993

ORDER/JUDGMENT:

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

O.A.No.

in
1023/93.

~~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

