

(31)

: IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

HYDERABAD BENCH : AT HYDERABAD

OA No.1031/93.

Dt. of Order:19-10-93.

C.Mohan Reddy

.....Applicant

Vs.

Central Telegraph Office,  
Hyderabad-1.

2. The Assistant Chief Superintendent (Administration),  
Central Telegraph Office,  
Hyderabad-1.

.....Respondents

-- -- -- --

Counsel for the Applicant : Shri V.Venkateswara Rao

Counsel for the Respondents : Shri N.R.Devraj,Sr.CGSC

-- -- -- --

CORAM:

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

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

-- -- -- --

....2.

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

The applicant was engaged as Physical/Handicapped Public Telephone Attendant on commission basis with effect from 20.12.1982 and by the date of the impugned order, he was attending to the public telephone situated in the Central Telegraph Office at Hyderabad. The charge memo dated 4.8.1993 which reads as under was issued to the applicant:-

"Sri C.Mohan Reddy, Physically Handicapped STD/PT Attendant C T O Hyderabad is habitual in remaining absent for duty without permission. During November 1992, he absented from 17th to 30th for 14 days, in December 92 1st to 16th for 16 days neglecting the work or duty which amounts to misconduct.

Sri C.Mohan Reddy Physically Handicapped STD/PT attendant C T O Hyderabad on the afternoon of 9.7.93 approached and asked the Accounts Officer about the position of his commission bill. The Accounts Officer explained him that the payment could be made as soon as the information sought from the Asst.Chief Superintendent (IR) was received, but Sri C.Mohan Reddy insisted on the Accounts Officer to make payment without any checking. Inspite of repeated replies of Accounts Officer that the payment is made only after meter readings are checked, Sri C.Mohan Reddy went on insisting vociferously for payment by not leaving Accounts Officer's chamber causing inconvenience to him to discharge his daytoday duties as Accounts Officer. Thus he misbehaved with Accounts Officer C.T.O. Hyderabad.

Sri C.Mohan Reddy is directed to submit his explanation within 10 days of the receipt of this memorandum failing which ex parte decision will be taken against him."

As inquiry was contemplated against the applicant in regard to the alleged incident on 9.7.1993, the applicant was placed on put off duty as per the impugned order dated 14.7.1993. This OA was filed challenging the order dated 14.7.1993 and he also prayed for quashing the charge memo dated 4.8.1993.

2. On the basis of the charge memo and in view of the precedents ~~for the application and the order~~ this is not a grave charge where the applicant has to be placed on put off duty. Accordingly, the impugned order dated 14.7.1993 has to be set-aside.

3. It is not just and proper to express anything in regard to the contentions in regard to the charge memo dated 4.8.1993. <sup>for</sup> It is not a case where the said charge memo had ~~been~~ been quashed. But, we make it clear that it is open to the applicant to raise all his pleas in the inquiry to be conducted in pursuance of the charge memo dated 4.8.1993.

4. In the result, the order dated 14.7.1993 is set-aside and to that extent the OA is allowed, and the OA praying for quashing the charge memo dated 4.8.1993 is dismissed. The applicant has to be paid the commission which he would have ~~been entitled to~~ <sup>get</sup> from 25.8.1993 till he is reinstated. The same has to be ascertained on the basis of the average commission for six months prior to the date on which the applicant was placed on put off duty. Time for payment is three months from the date of receipt of this order. No costs.

(R.RANGARAJAN)  
MEMBER (ADMN.)

(V.NEELADRI RAO)  
VICE CHAIRMAN

DATED: 19th October, 1993.  
Open court dictation.

By Registrar (Jd)

vsn

(contd ---- 4/-)