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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION-NO.138-of 1993

DATE OF ORDER: 7th-January, 1997

BETWEEN:

G.NAGESWARA RAO

.. APPLICANT

AND

1. Union of India represented by its
Secretary, Ministry of Communications,
New Delhi 110 001,
2. The Adviser (Human Resource & Developoment),
Dept. of Telecom, Ministry of Communications,
New Delhi 110 001,
3. The Divisional Engineer Phones (Admn.),
O/o Telecom District Manager,
Vijayawada-50,
Krishna District.

... Respondents

COUNSEL FOR THE APPLICANT: SHRI J.VENUGOPALA RAO

COUNSEL FOR THE RESPONDENTS: Sri V.RAJESWARA RAO, Adl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

Heard Shri J.Venugopala Rao, learned counsel for
the applicant and Shri V.Rajeswara Rao, learned standing
counsel for the respondents.

2.. The applicant was appointed as Telecom Office
Assistnat by the Divisional Engineer, Telecom, Krishna

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Telecom Division, Machilipatnam. While he was working as such, a charge memo was served on him alleging that he had furnished false information as to the marks obtained by him in SSC examination and thus obtained employment by wrongful means. The applicant denied that charge. Thereafter an inquiry was initiated. It is stated that he also made representation stating that the Inquiry Officer was biased against him. But his statement was turned down and the Inquiry was concluded. On the basis of the inquiry, the Inquiry Officer submitted his report holding the charge against the applicant as proved. The applicant alleges that the inquiry was not conducted in accordance with the rules in that he was not given enough opportunity to bring out his case. He further alleges that the principles of natural justice ^{were} ~~are~~ not followed while conducting the inquiry.


3. After considering the report of the Inquiry Officer, the disciplinary authority imposed punishment of dismissal from service on the applicant by the order dated 26.10.90. This order has been impugned in this application.


4. In Para (vi) at Page 4 of the application, the applicant himself submits that he did not prefer an appeal against the order of dismissal as provided in CCS (CCA) Rules fearing that the appellate authority may not consider

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his appeal properly. Instead, he submitted a petition to the President of India on 30.1.91. There is no reason to believe that his fear will come true. If he has got any apprehensions in submitting the appeal, he should have brought out the apprehensions in his appeal. Submission of the petition to the President of India is not an alternative remedy available to him under CCS (CCA) Rules. Rejection of that petition dt. 30.1.91 by the Department cannot also be treated as equivalent to rejection of his appeal submitted under CCS (CCA) Rules. The applicant must exhaust the remedy available to him under the rules. Hence we feel appropriate to direct the applicant to prefer an appeal to the competent appellate authority on or before 28.2.97 and in case such an appeal is preferred, the competent authority shall dispose of the appeal on merits within three months from the date of receipt of ^{the memorandum of} ~~a copy of~~ _{of limitation} that appeal waiving the period if any, for submission of the appeal.

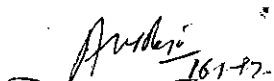
5. The OA is disposed of accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
A. 197


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 9th January, -1997
Dictated in the open court.

Q/sn


D. R. (J)

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O.A.NO.138/93

Copy to:

1. The Secretary, Min. of Communications,
New Delhi.
2. The Adviser(Human Resources & Development),
Dept. of Telecom, Min. of Communications,
New Delhi.
3. The Divisional Engineer, Phones (Admn.),
O/O Telecom District Manager,
Vijayawada.
Krishna District.
4. One copy to Mr.J.Venugopala Rao, Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One duplicate copy.

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27/1/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGIRAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 7/1/97

Order/Judgement
R.P/C.P/M.A.NO.

In

O.A.NO. 138/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
DISMISSED FOR DEFAULT
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेद्यन/DESPATCH
27 JAN 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH

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