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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
HYDERABAD

OA 1477/93

Dt. 5-12-94

Between

M.N. Ali Khan

APPLICANT

And

1. The Director
Telegraph Traffic,
Telecommunications, Hyderabad-1
2. The Chief Superintendent,
Central Telegraph office,
Abids, Hyderabad-500 001.
3. The Sr. Superintendent of
Telegraph Traffic, Hyderabad Divn.,
Department of Telecommunications,
Hyderabad-500 001.
4. The Asst. Chief Superintendent,
(Administration),
Central Telegraph office,
Hyderabad-500 001.

Respondents.

Counsel for the applicant : Shri V. Venkateswara Rao

Counsel for the Respondents : Shri N.V. Raghava Reddy

CORAM

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

Hon'ble Shri R. Rangarajan, Member (Admn.)

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

JUDGEMENT

Heard Shri V. Venkateswara Rao, learned
counsel for the applicant and also Shro N.V.
Raghava Reddy, learned standing counsel for the
Respondents.

2. This OA is filed assailing the proceedings
of Rs. 3,876-50 was ordered to be recovered which was
imposed as penalty, which was confirmed by the
appellate authority by order date 30-10-93.

3. The applicant herein and the applicant ~~herein~~ and in
OAs 1476/93, 1488/93, 1498/93, 1499/93 and 1505/93
were TOAs in the CTO at Charminar at which the chip
card pay phone 522633 was installed during the period
from 17-9-92 to 18-11-1992. Then charge memos. dated
23.2.1993 were issued to these applicants and also
the officer-in-charge during the relevant period
by way of initiating the proceedings separately
against each of them under Rule 16 of CCS (CCA) Rules.

4. After receiving the charge memo. with the
statement of imputations of misconduct ~~or~~ mis-behaviour,
the applicant submitted a representation ^{dated} 27-4-93
denying his liability and it is also alleged therein
that the leakage might be due to the defect in the
instrument and none of the members of the staff in
that Telegraph office is responsible for the said
leakage. Then, R-4 passed the impugned order dated
8-4-93 imposing recovery of Rs. 3,876-50 and the
same was confirmed by R2 by order dated 30-10-93.

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To

1. The Director, Telegraph Traffic, Telecommunications, Hyderabad-1.
2. The Chief Superintendent, Central Telegraph Office, Abids, Hyderabad-1.
3. The Sr. Superintendent of Telegraph Traffic, Hyderabad Division, Dept. of Telecommunications, Hyderabad-1.
4. The Asst. Chief Superintendent, (Administration), Central Telegraph Office, Hyderabad-1.
5. One copy to Mr. V. Venkateswar Rao, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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JAS/BS/LLN

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5. One of the contentions raised for the applicant is that the statement of imputations of misconduct is vague and it does not indicate the alleged act or omission or negligence of the applicant in regard to the revenue leakage referred to. By reading the said statement, it has to be stated that it is not intelligible in regard to the ~~alleged~~ alleged act or omission or negligence of the applicant in regard to the said leakage.

6. Further, in view of the nature of the charge, the same cannot be considered by way of summary inquiry and it is a case where an inquiry has to be conducted as envisaged under rule 16(1)(b) of CCS (CCA) Rules.

7. The point which has arisen for consideration in this OA is squarely covered by the order dated 8-9-94 in OA 1476/93, ¹⁴⁷⁶ and which ~~in OA 1504/93~~ For the reasons stated therein we pass the following order in this OA.

8. In the result, the impugned order dated 8-4-93 of R3 as confirmed by order dated 30-10-93 of R2 is set aside. If any amount is recovered in pursuance of the ~~same~~ ^{it} same has to be refunded to the applicant by the end of January, 1995. As already observed, this order does not ^{de} bar R3 from continuing the proceedings by issuing a fresh statement of imputations of misconduct in accordance with law and by keeping in view the observations made in this order.

9. The OA is ordered accordingly. No costs.

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(R. RANGARAJAN)
Member (Admn.)

Neeladri
(V. NEELADRI RAO)
Vice-Chairman

Dated the 5th December, 1994

Open court dictation

NS

Deputy Registrar (S)
Tirupur

TYPED BY

CHECKED BY

COMPARED 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.R.RANGARAJAN : M(ADMN)

DATED: 5 - 12 - 1994

ORDER/JUDGEMTN:

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

in

O.A.No.

1477/93

T.A.No.

(w.p.)

Admitted and Interim directions issued.

Allowed.

Misposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

PVM

