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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1046 of 1993

DATE OF JUDGMENT: 27th August, 1993.

BETWEEN:

Mr. M.Mahender Reddy

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Applicant

AND

1. The Sub Divisional Officer,
Telecommunications,
Karimnagar.
2. The Telecom District Engineer,
Karimnagar-505050.
3. The Union of India represented by
the Chairman,
Telecom Commission,
New Delhi-1.

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Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. C.Suryanarayana, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr. SGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

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

JUDGMENT:

(As per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman)

X
The applicant who is the casual mazdoor under the
1st respondent was removed from service by the impugned order
which is said to have been served on the applicant on
29.7.1993. The same is challenged in this O.A.

2. The two main contentions which are argued for the
applicant are that the copy of the report of the Inquiry

contd....

Copy to:-

1. The Sub Divisional Officer, Telecommunications, Karimnagar.
2. The Telecom District Engineer, Karimnagar-SO.
3. Chairman, Telecom Commission, Union of India, New Delhi-
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-



Officer was not served upon the applicant before the impugned order was passed and the 1st respondent, disciplinary authority, figured as witness and thus there is violation of the principles of natural justice. The two points were considered in OA 988/93 and batch and by the order dated 26.8.1993, we set-aside the order of termination by upholding the contentions of the applicants in regard to both the points. ^{We held therein that,} If it is intended to continue the inquiry, the authority higher to the 1st respondent has to nominate another disciplinary authority to continue the inquiry and dispose of the same after giving a show cause notice to the applicant by enclosing the copy of the report of the Inquiry Officer so as to enable the applicant to submit his objections, if any, ~~as~~ against the said report, before ^{it is} ~~the~~ disciplinary authority pass final orders.

3. For the reasons stated therein, we feel it appropriate to dispose of this OA also with the same directions. In the result, the impugned order of termination is set-aside. If the inquiry is intended to be proceeded with, the authority higher to the 1st respondent has to nominate another disciplinary authority who is equal or above the rank of the 1st respondent and then the latter has to issue a show cause notice by enclosing the copy of the report of the Inquiry Officer requiring him to state his objections, if any, against the said report and then dispose of the same in accordance with the law.

4. The OA is ordered accordingly.

(Dictated in the open Court).


(A.B. GORTHY)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

Dated: 27th August, 1993.

O.A. 1046/93

TYPED BY

COMPARED 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)

AND

THE HON'BLE MR. T. CHANDPASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 27/8/1993

ORDER/JUDGMENT:

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

O.A.No.

1046/93

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

Central Adm. Tribunal
DESPATCH
20 SEP 1993
HYDERABAD

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