

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1574/93

DATE OF ORDER : 20-12-1996.

Between :-

S.Raja Ashok Kumar

... Applicant

And

1. Union of India, rep. by
The Secretary, Ministry of Communications,
New Delhi.
2. Dy.General Manager (P&T),
O/o The General Manager,
Telecom District,
Hyderabad-33.
3. Asst.General Manager (Engg),
O/o the General Manager,
Telecom District,
Hyderabad-33.

... Respondents

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Counsel for the Applicant : Shri T.V.V.S.Murthy

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

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CORAM:

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

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

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

(Order per Hon'ble Shri BS Jai Parameshwar, Member (J)).

None appeared for the applicant. ^{Heard} Shri W.Satyanarayana for Shri N.V.Raghava Reddy, standing counsel for the respondents. The application is disposed of in accordance with Rule 15(1) of C.A.T. (Procedure) Rules, 1987 on the basis of the material placed on the record.

2. The applicant while working as a Clerk in the Telecommunication Department was served with a charge memo dt.8-10-85 (Annexure A-1). An Enquiry was ~~being~~ conducted into the charges and the Disciplinary Authority imposed a penalty of removal from service by order dt.11-12-96 (Annexure R-II). The applicant unsuccessfully challenged the order of removal from service before the Respondent No.2 and before the Member, Telecom Board. Thereafter, he filed OA in No.253/89 challenging the said punishment before this Tribunal. On 3-12-91 this Tribunal set aside the punishment only on the ground that he was not furnished with a copy of the report of the Enquiry Officer (Annexure A-6). Further, this Tribunal directed the respondents if they want to complete the Disciplinary Proceedings continue the same by furnishing a copy of Enquiry Report. The manner as to how the interregnum period be treated would depend upon the ultimate result of the Disciplinary Proceedings.

3. In accordance with the judgement of the Tribunal, the applicant was given a copy of the Enquiry Officer's Report and was directed to submit his explanation. The applicant instead of submitting his explanation to the report of the Enquiry Officer's report, requested the authorities to reinstate him with backwages. The authorities ~~for~~ treated that he was deemed to have been placed under

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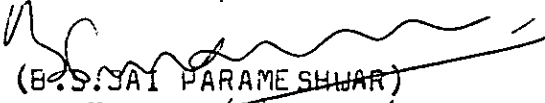
suspension from the date of his removal and ^{attempted} ~~admitted~~ to further proceed in the Enquiry. It is at this stage the applicant filed this O.A. praying this Tribunal to direct the Respondent No.3 to pay him the full pay and allowances, bonus, etc, for the period of deemed suspension from 11.12.1986 to 27.7.92 by declaring the deemed suspension as illegal.

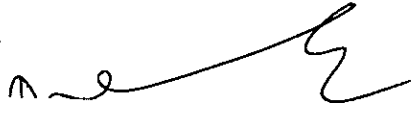
4. The respondents have filed counter stating that as per the directions of this Tribunal in the OA 253/89 a copy of the Enquiry Officer's Report was furnished to the applicant but the applicant instead of furnishing an explanation to the Report of the Enquiry Officer, submitted the representation laying down certain ^{pre-terms} ~~principles~~ and conditions. He has not submitted the explanation after the receipt of the Enquiry Officer's Report. Hence the Disciplinary Authority removed him from service with effect from 31-10-92. The ~~respondents~~ submitted that the applicant has been paid subsistence allowance for the deemed suspension period in accordance with the Rules. Hence the applicant has no case and the OA has to be dismissed.

5. In view of Rule-10(iv) of the CCS(CCA) Rules, the applicant ^{is} deemed to have been suspended from the date of his removal. The applicant cannot insist upon the respondents to take him ¹back to duty. Further the applicant had not submitted his explanation to the report of the Enquiry Officer. The Respondents have removed him from service effective from 31-10-92. Therefore, on the basis of the material available on the record and also giving him an opportunity to cross examine the PW Witnesses, as seen from the

reply. The applicant has not controverted these averments made in the reply by filing a rejoinder. Hence it has to be held that the applicant was given all opportunities and principles of natural justice was fully followed. Hence there are no merits in this O.A. The OA is accordingly dismissed.

6. No order as to costs.


(B.S. SAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)

Dated: 20th December, 1996.
Dictated in Open Court.

Ambari
5-11-96
DY Registrar (T)

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Copy to:-

- India, New Delhi:
2. Dy. General Manager (P&T), O/O The General Manager, Telecom District, Hyd.
 3. Asst. General Manager(Engg), O/O The General Manager, Telecom District, Hyd.
 4. One copy to Sri. T.V.V.S.Murthy, advocate, CAT, Hyd.
 5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
 6. One copy to Library, CAT, Hyd.
 7. One spare copy.
 8. One copy to Sri. Hon'ble B.S.Jai Parameshwar, J.M. CAT, Hyd.

Rsm/-

24/11/97

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THE CENTRAL BENCH HYDERABAD

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

AND

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

DATED:

26/12/96

~~ORDER/JUDGEMENT~~

~~L.A./C.P/M.A.No.~~

O.A.NO.

1574/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

~~DISMISSED~~

DISMISSED AS WITHDRAWN

~~ORDERED/REJECTED~~

NO ORDER AS TO COSTS.

II COURT

YLKR

