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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

25A/DA

Dt. of Decision : 3-8-94.

Mr. P. Krishna Rao

.. Applicant.

Vs

1. The Telecom Distt. Engineer,
Srikakulam - 532 050.

Repto. By India
Telecom Commission,
New Delhi - 110 001.

3. The Sub-Divisional Engineer,
Palasa - 532 222.

.. Respondents.

Counsel for the Applicant : Mr. C. Suryanarayana

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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25th
Am

O.A.No.754/94

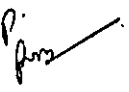
O R D E R

I As per Hon'ble Sri A.V.Haridasan, Member(J) I

The challenge in this application filed U/s 19 of the A.T.Act is ~~against~~ the order dt.6-6-94 (Annexure- A7) of 1st respondent by which the services of the applicant was terminated w.e.f. the date on which a period of one month expires from the date of service of the order. The applicant who commenced his career as casual mazdoor in the pay scale of Rs.750-940 plus temporary status by the order of the 1st respondent dt.3-2-90 w.e.f. 1-10-89, and he was thereafter appointed as regular mazdoor in the pay scale of Rs.750-940 plus usual allowances w.e.f. 18-8-92 by order dt.28-8-92 at Annexure-A5 by the 3rd respondent. He was granted increments also in that scale. It was while so that the impugned order was issued. For the purpose of reference it is worthwhile to extract the impugned order which reads as follows:

"On verification of the records submitted by you, in connection with your recruitment as Regular Mazdoor under 10 years scheme of regularisation, it has been reported that the School Record Sheet submitted by you is ingenuine and false.

You are hereby informed that your services are proposed to be terminated since you have submitted false Educational Document containing Date of Birth etc., to the department and thus failed to submit correct data.

2nd P. 

As such you may take notice of one month from the date of receipt of this letter by you. On expiry of this one month's notice your services are deemed to be terminated.

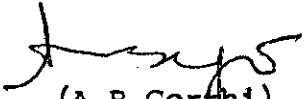
Please acknowledge the receipt of this letter. "


2. It is the above quoted order that is under challenge. The applicant's case is that the termination of his services who is holder of civil post without informing him of the charge and his guilt in a regular enquiry held on that behalf is violative of principles of justice enshrined in Art.311(2) of the Constitution. When the application came up for hearing after admission, Sri Bhimanna, learned central government standing counsel could not support this order. It is conceded that the impugned order was issued without following the procedure prescribed for removing a government servant from the post which he is holding. It is also not in dispute that the applicant was holding a regular post under the respondents. Under these circumstances, we have no doubt in our minds that the impugned order is illegal and void and ^{that it} deserves to be struck down.

3. In the result, the application is allowed. The impugned order at Annexure-A7 of the 1st respondent dt. 6-6-94 is set aside and respondents are directed to reinstate the applicant forthwith, latest within a period of one month from the date of receipt of a copy of this order and to pay him full back wages. However, we make it clear that if for the reasons mentioned in the impugned order the respondents deem it necessary to ^{take} action against the applicant, this order would not preclude them from doing so; in accordance with the

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procedure prescribed. There is no order as to costs.


(A.B. Gorthi)
Member (A)


(A.V. Haridasan)
Member (J)

Dt. 3rd August, 1994
Dictated in Open Court


DEPUTY REGISTRAR (J)

kmv

Copy to:

1. The Telecom District Engineer,
Srikakulam - 532 050.
2. The Chairman, Union of India,
Telecom Commission, New Delhi - 110 001.
3. The Sub Divisional Engineer,
Pasala - 532 222.
4. One copy to Mr. C. Suryanarayana, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CA, Hyderabad.
7. One spare copy.

YLKR

