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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL-APPLICATION-NO.972-OF-1994

DATE-OF-ORDER:--6th-June, 1997

BETWEEN:

S.VENKATESH CHETTY

.. APPLICANT

AND

1. The Chief General Manager,  
Telecom, AP Circle,  
Hyderabad-1,
2. The Director (Telegraph Traffic),  
Dept. of Telecom, AP Circle, Hyderabad,
3. The Senior Superintendent (TT),  
Dept. of Telecom, Kurnool,
4. The Asst. Superintendent (TT),  
Departmental Telegraph Office,  
Chittoor.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.V.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS:Mr.K.BHASKAR RAO, Addl.CGSC

CORAM:

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

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

ORDER

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

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.K.Bhaskar Rao, learned standing counsel for the respondents.





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2. No reply has been filed. However, arguments were heard at length from both the sides.

3. The undisputed facts of this case are as follows:-

The applicant was a Physically Handicapped Public Telephone Attendant operating the public telephone booth at DTO, Chittoor. He was given the charge memo bearing No.E-17/91-92 dated 16.5.91 (Annexure A.3 to the OA) indicating some discrepancies in the account of the <sup>calls</sup> charges levied from the public by R-4. The applicant submitted a representation to R-3 on 30.5.91 explaining his conduct on the basis of the charges levelled against him by the memo dated 16.5.91. R-4 terminated the services of the applicant presumably on the advice of R-3 as per the memo No.E.21/91-92 dated 16.11.91 (Annexure A.5 to the OA). It is stated in that letter that R-3 permitted for termination of the services of the applicant by his communication dated 9.10.91. But the applicant submits that the communication dated 9.10.91 was not issued to him. Thereafter the applicant submitted a representation to R-2 on 26.2.94 (Annexure A.7 to the OA). R-2 considered his representation and rejected the same by his order No.TA-TS/ST/3-32/NL/94/17 dated 2.5.94 (Annexure A.9 to the OA).

4. This OA is filed for setting aside the order of R2 contained in the impugned memo dated 2.5.94 (Annexure A.9) and for consequential benefits to reinstate the applicant as PDPT Commission Agent at DTO, Chittoor with all consequential benefits.

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5. The learned counsel for the applicant submits that R-4 was prejudiced to the interest of the applicant. He was threatening to terminate his services every now and then as revealed from the Annexures A.1 and A.2. As he was not happy with the applicant, he had instigated R-3 to issue the memo terminating the services of the applicant. Even that termination order of R-3 was not communicated to the applicant. R-2 also disposed of his representation in a mechanical way without considering the various contentions raised in his representation dated 26.2.94. The applicant further submits that the collection of Rs.50/- by him on the said date was the advance taken from a STD subscriber for putting through the calls. <sup>After</sup> ~~before~~ ~~receiving~~ <sup>before</sup> ~~recovering~~ that cash and ~~after~~ the call was put through he was charged for keeping excess public money in his custody. He was also charged for short collection of Rs.9/- for the public telephone service rendered to the public. But he submits that he could have explained his case fully if an opportunity was given to him that day itself. As R-4 was interested in damaging his career, his services were terminated without giving him a proper opportunity to explain his case.

6. The applicant further submits that he is a poor man having a large family. His livelihood has been snatched away from him without affording him an opportunity to explain his case. Hence he is in dire circumstances wanting some job to make both ends meet. In that view, he requests that he may once again be reappointed as Telephone

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Booth Operator at DTO, Chittoor as that post is vacant. His case also should be considered favourably in view of the fact that he is a physically handicapped person. He also lost an opportunity for getting regularised in the Department in view of the above termination against the scheme formed in pursuance of the directions of this Tribunal in OA 180/91.

7. The explanation given by the applicant dated 30.5.91 addressed to R-3 for the charges mentioned in the memo dated 16.5.91 is not at all satisfactory. He has not explained fully the details of the money collected and also the details of the money handed over to the ASTT. As it is stated that he is not very literate person to explain the details, he has given his explanation without touching the important points in this connection. Hence we feel that a fresh opportunity may be given to the applicant to explain the details of the cash collected and also the discrepancies, if any, in this connection as embodied in the memo dated 16.5.91. As R-2 had already disposed of his representation, it will not be proper to direct the applicant to submit that representation once again to R-2. Hence we feel that it is justifiable if such a representation is submitted to R-1 and that authority to reexamine this issue in depth taking into account the contents of the reply to be submitted and also the various contentions raised in this OA. On that basis, R-1 should issue a speaking order in connection with the termination of his services. R-1 should also consider whether the applicant can be posted as a fresh entrant as PDPT Agent if

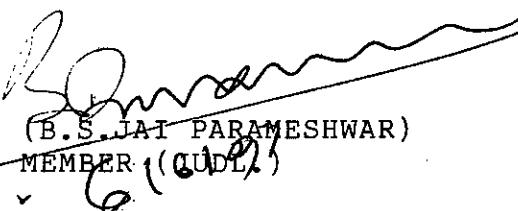


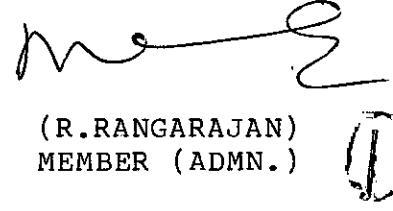
he submits representation in this connection to R-1.

8. In the result, the following direction is given:-

The applicant should now submit an additional reply to the charges embodied in the memo dated 16.5.91 to R-1. If such a representation is received, R-1 should consider the case of the applicant taking due note of the points mentioned in that reply to be submitted and also the contentions raised in this OA and pass a reasoned order. R-1 may also consider the request of the applicant for detailing him as Public Telephone Attendant if he submits a detailed representation in this connection explaining his present position for taking him as a fresh Public Telephone Attendant.

9. The OA is ordered accordingly. No order as to costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (CIVIL)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED: ~6th-June,~1997  
Dictated in the open court.

vsn

  
DR (S) 1867

6/6/97  
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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

DATED:

6/6/97

ORDER/JUDGEMENT

R.A/C.A. NO.

in  
O.A. NO. 972/94

Allowed and Interim directions  
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered X Rejected.

No order as to costs.

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II Court.

नियन्त्रित न्यायालयिक विधिकरण  
Central Administrative Tribunal  
नियन्त्रण/DESPATCH

4 JUL 1997

हायदराबाद न्यायालय  
HYDERABAD BENCH