IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A. NO. 1129 of 1994.

Between Dated: 20.4.1995.

Sahukari Narayana Rao. ... Applicant

And

1. The Senior Superintendent, Telegraphic Traffic Division, Visakhapatnam.
2. The Deputy Manager, (Admn.) A.P.Telecommunications, Hyderabad.
3. The Chief General Manager, Telecommunications, A.P.Hyderabad.
4. The Deputy Director General (Staff) Department of Telecommunications, (Telecom Commission) Sanchar Bhavan, New Delhi-1.

... Respondents

Counsel for the Applicant : Sri. M.Keshava Rao

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

(21)

O.A. 1129/94. Dt. of Decision : 20-04-95.

ORDER

(As per Hon'ble Shri A.B. Gorthi, Member (Admn.))

The applicant is the son of Late Shri S. Syam Sundara Rao, who while working as Telegraphman at Srikakulam expired on 23-04-1990. Seeking a direction to the respondents to give him appointment on compassionate grounds, the applicant had earlier approached the Tribunal with OA.No.749/93. The said OA was disposed of on 11-11-1993 with a direction to the respondents to re-consider the case of the applicant for appointment on compassionate grounds keeping in view the observations made in the said judgement. The present grievance of the applicant is that notwithstanding such categorical directions emanating from the Tribunal, the respondents did not judiciously considered his case for compassionate appointment.

2. In compliance with our judgement in OA.749/93 the case of the applicant is said to have been considered by the Circle Selection Committee and rejected as per memo dated 08-07-1994. The said memo further states as under:-

> "The family is not in indigent circumstances. Also, the case has been examined even by the Telecom Directorate and rejected the same vide their Lr.No.215-604/92-STN, dated 19-8-93. As such this Office has no powers to consider this case at this stage". (emphasis supplied)

3. From the above it would be apparent that the Circle Selection Committee went through the formality of considering the case of the applicant without any intention to examine the case afresh on merits. It seems that the Chief General Manager, Telecom is under the impression that as the case of the applicant had earlier been considered by the Telecom Directorate and rejected

..3

Copy to:-

1. The Senior Superintendent, Telegraphic Traffic Division, Visakhapatnam.
2. The Deputy Manager, (Admn.); A.P.Telecommunications, Hyd.
3. The Chief General Manager, Telecommunications, A.P.Hyderabad.
4. The Deputy Director General (Staff), Department of Telecommunications, (Telecom Commission), Sanchar Bhavan, New Delhi-
5. One copy to Sri. M.Kashava Rao, advocate, H.No.5-59/1, Dilsukhnagar, Hyderabad-36.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

9. This application is ordered accordingly, after hearing the learned counsel for the respondents on the part of the respondents.

10. The learned counsel for the applicant prayed that time may be granted to file a counter in this case and the respondents may be directed to file the same within a reasonable time.

11. Time for filing counter granted. Post the case for orders on the said date.

(Dictated in the Court)

Dated : 1.3.94

(A.B.Gorthi)
Member (Admn.)

vide memo dt. 19-08-1993, the office of the Chief General Manager, Telecom had no powers to consider the case once again.

4. Learned standing counsel for the respondents stated that the office of the Chief General Manager, Telecom, A.P. was placed in a predicament in view of the order of the Telecom Directorate rejecting the case of the applicant and order of the Tribunal directing re-consideration of the case. There should have been no scope for any confusion in this regard. In view of our directions in the judgement in OA. 749/93, even if the Telecom Board/Directorate had not been made a respondent in OA 749/93, it was imperative on the part of Chief General Manager, Telecom, AP to bring our directions to the notice of his superior authorities and then comply with our orders not only in letter but also in spirit. Consequently the Circle Selection Committee should have, in strict compliance with our orders dated 11-11-1993 considered the case of the applicant with an open mind and purely on the merits of the case, disabusing its mind of the earlier order of the Telecom Directorate rejecting the case of the applicant. It should be done now and the case of the applicant placed before the next Circle Selection Committee and we direct accordingly.

5. Before we part with the case we may observe that a reading of the memo dated 08-07-1994 would indicate that the respondent No-3 placed himself in the position of a contemner. But keeping in view the explanation offered by Mr.N.R.Devaraj, learned standing counsel for the respondents we accept that this was a genuine mis-understanding on the part of respondent No-3.

6. This application is ordered accordingly, after hearing Mr. N.R.Devaraj, learned counsel for the respondents and dispensing with the requirement of filing a counter affidavit.

(A.B.Gorthi)
Member(Admn.)

Dated : The 20th April 1995.
(Dictated in Open Court)

sdr

OA.1120/94

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE SHRI A.V.HARIDASAN: MEMBER

AND

THE HON'BLE SHRI A.B.GORTHI: MEMBER

DATED 20.4.95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

O.A.NO. 1120/94

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR

No spare copy