

65

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.No.1042 of 1994.

Dated the 31st July, 1997.

Between.

T.V.Ramasubbulu ... Applicant.

And.

Tirupathi. District Manager

2. The Divisional Engineer P & A.,
Office of the Telecom.District Manager,
Tirupathi.

3. Shri A. Subba Rao,
Presently (Enquiry Officer)
Director (Telegraph Traffic)
A.P.Telecom Circle,
Door Sanchar Bhavan,
Hyderabad.

... Respondents.

Counsel for the applicant ...

Counsel for the Respondents: -Mr. K.Bhaskara Rao.

Coram:

Honourable Mr.R. Rangarajan, Member(Admn.)

Honourable Mr.B.S.Jai Parameshwar, Member(Judl.)

ORDER (ORAL)

(As per Hon.Mr.B.S.Jai Parameshwar, Member(J)).

1. Heard Mr. V.Venkateswara Rao, learned
counsel for the applicant and none appeared for the
respondents. Since this O.A. is of the year 1994, we are
not inclined to adjourn the same and it is disposed of
after hearing the applicant's counsel and on the basis
of the materials available on record.

2. While the applicant was working as Telecom.
Office Assistant in the office of the Telecom.District
Manager, Tirupathi, was served with a Charge-memo.
dated 18.7.85. The applicant denied the charges. A
detailed inquiry was conducted into the said charges.

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The Inquiry Officer submitted his report stating that the lack of devotion to duty on the part of the applicant ~~was~~ ^{was} proved. The applicant submitted a representation against the findings of the Inquiry Officer to the disciplinary authority. The copy of the representation is at Annexure-A.20. The disciplinary authority by his ~~report~~ ^{order} of the Inquiry Officer and the explanation/representation of the applicant, imposed ~~a~~ ^{the} punishment withholding of pay drawn with effect from 1.8.1992 for a period of two years with cumulative effect in the time scale of pay of Rs.975-1660/-. Against the said order of punishment, the applicant submitted an appeal to the appellate authority. The appellate authority in his proceedings dated 9.7.1992 (Annexure-23) confirmed the punishment

3. The applicant has filed this O.A. challenging the orders dated 10.3.92 and 9.7.92 passed by the disciplinary and appellate authorities.

4. A reply has been filed by the respondents denying the averments made in the O.A. and supporting the action taken by the departmental authorities.

5. During course of arguments, the learned counsel for the applicant submitted that the appellate authority has not taken into consideration the grounds urged by the applicant in his memorandum of appeal and that the directions/observations ^{Similar to those in} made in O.A.No.1107/94 may also be made in this O.A.

6. On going through the order of the appellate authority, we feel that the appellate authority had not taken into consideration the grounds urged by the applicant in his memorandum of appeal. The memorandum of appeal consists of five pages, whereas the order of the

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appellate authority consists of hardly one page. It appears from the order of the appellate authority that he has not taken note of the contentions raised by the applicant in the memorandum of appeal. We also feel that the points mentioned in O.A.No.1107/94 have also not been taken into consideration, in respect of this

... feel that this is a fit case to set aside the appellate authority's order dated 9.7.92 and remit the matter back to the appellate authority for reconsideration of the matter in accordance with law taking all the points mentioned in O.A.No.1107/94 into consideration.

7. In the result, the order dated 9.7.92 of the appellate authority (Annexure-A.23) is set aside and the matter is remitted back to the appellate authority to and dispose of reconsider the appeal of the applicant within three months from the date of receipt of the order, giving opportunity of personal hearing to the applicant, if he so desires.

The O.A. is ordered accordingly. No costs.


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



(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

31.7.97

Dated the 31st July, 1997.

Dictated in the open Court.

DJ/


D.R.(J)

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Copy to:

1. The Telecom District Manager, Tirupathi.
2. The Divisional Engineer, P & A., O/O The Telecom District Manager, Tirupathi.
3. One copy to Mr.V.Venkateswara Rao, Advocate,CAT,Hyderabad.
4. One copy to Mr.K.Bhaskara Rao, Advocate,CAT,Hyderabad.
5. One copy to D.R.(J),CAT,Hyderabad.
6. One copy to D.R.(J),CAT,Hyderabad.
7. One duplicate copy.

YLKR

8/8/97

TYPED BY
COMPARED BY

CHECKED 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: 31/7/97

ORDER/JUDGEMENT

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

in

D.A. NO. 1042/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

