

J U D G M E N T

(As per Hon'ble Sri R.Rangarajan, Member(Administrative))

Heard Shri P.Krishna Reddy, learned counsel for the applicant and Sri K.Bhaskara Rao, learned Standing Counsel for the respondents.

2. The applicant herein joined the Railway Electrification Project in the year 1984. After working for 7 years his services were terminated for want of vacancy on completion of work. Hence he joined Telecom Department as Casual Mazdoor in the year 1990. He was conferred with the temporary status with effect from 1.12.1991 by R-3 in terms of proceedings No.E-196/T.M./91-92/ dt. 23.11.91. It is alleged that he was sent for medical examination for appointing him as regular mazdoor. But, he was issued with notice dated 16.3.1994 bearing No.E-196/TSM/93-94/PM/2 for terminating his services for the alleged furnishing of bogus certificate for issue of temporary status. Though the applicant submitted a detailed explanation dt. 15.4.94 along with the original documents to the Sub-Divisional Officer, Telecommunications, Ongole, it is alleged, that R-3 passed impugned proceedings dt. 1.7.1994 bearing No. E-196/TSM/93-94/6 terminating his services with effect from 1.8.1994 and he was stopped from duty from the Forenoon of 1.8.1994.

*without Considering
his representation*

3. This OA is filed assailing the above quoted order dt. 1.7.1994 issued by R-3 as illegal and without any jurisdiction and for further direction to set aside this order and to direct the respondents to reinstate him

Copy to:-

1. The Chief General Manager,
Telecommunication(Telecom),
Hyderabad.
2. General Manager,Telecommunication,Guntur.
3. Telecom District Engineer,
Ongole-523 050.
4. The Assistant Engineer,Telecom,
M/W,MTCE,Nellore.
5. One copy to Mr.P.Krishna Reddy,Advocate,CAT,Hyd.
6. One copy to Mr.Kota Bhaskar Rao,CGSC,CAT,Hyd.
7. One copy to Library,CAT,Hyd.
8. One spare copy.

kku.

(26)

as regular mazdoor with all consequential benefits including continuity of service, backwages and other benefits.

4. In a similar OA No.578/94 decided on 30.1.95 by this Tribunal, it was held that Casual Mazdoor who have attained temporary status can be terminated for misconduct only after holding an enquiry and affording a reasonable opportunity to defend himself. It is obvious from the averments made in this OA that no enquiry was conducted and he was disengaged from service by giving him a notice for termination of his services for furnishing bogus certificates, while applying for temporary status. In view of the above, this case is squarely covered by the order of this Tribunal in OA 578/94 dt. 30.1.95. Hence, directions in the above OA will hold good in this OA also.

Accordingly the following directions are given.

5. In the result, the OA is allowed in part. The impugned order dt. 1-7-1994 bearing No.E-196/TSM/93-94/6 issued by R-3 terminating the services of the applicant is set aside and the respondents are directed to re-engage the applicant for casual service within a period of 15 days from the date of communication of this order. However, it is made clear that this order will not preclude the respondents taking action against the applicant if they decide to do so in accordance with law.

6. The OA is ordered accordingly at the admission stage itself. No costs.

(R.Rangarajan)
Member (Admn.)

(V.Neeladri Rao)
Vice Chairman

Dated 11 June, 1995.

Grh.

Amritan
Dy. Registrar (Judl)

of 688/21

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. ~~NEELADRI~~ RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 23-6-1995

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

OA. No. 688/95

TA. No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected. Accordingly at the
Administrative Bench
No order as to costs.

