

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.  
OA.No.727/95.

Date of order: 23.6.1995.

Between:-

P.Haribabu

...

Applicant.

And

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.

...

Respondents.

Counsel for the Applicant: Mr. P. Krishna Reddy, Advocate

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

CORAM:

HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE

O.A.No.727/95.

Date: 21 -6-1995.

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri P.Krishna Reddy, learned counsel for the applicant and Sri N.R.Devaraj, learned counsel for the respondents.

2. The applicant herein joined the Railway Electrification Project in the year 1985. After working for six years his services were terminated for want of vacancy on completion of work. Hence, he joined Telecommunication Department as Casual Mazdoor in the year 1990. He was conferred with temporary status with effect from 1.4.1992 by R-3 in terms of proceedings No.E-196/T.M/91-92/98 dt. 7.4.1992. It is alleged that he was sent for medical examination for appointing him as regular casual mazdoor. But, he was issued with notice dt. 16.3.1994 bearing No.E-196/TSM/93-94/2 dated 16.3.1994 for terminating his services for the alleged furnishing of bogus certificate for issue of temporary status. Though the applicant submitted a detailed explanation dt. 15.4.1994 alongwith 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/93-94/7 terminating his services with effect from 1-8-1994 without considering his representation and ~~xxx~~ he was stopped from duty from the Forenoon of 1-8-1994.

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 as regular

Copy to :-

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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.N.R.Devaraj, Sr.CGSC. CAT.Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

kkv.

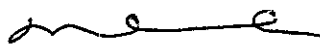
(22)


mazdoor with all consequential benefits including continuity of service, back-wages 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 OA is squarely covered by the order of this Tribunal in O.A.No.578/94 dt. 30.1.95. Hence, directions in the above ~~wxx~~ 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 No.E-196/TSM/93-94/7 dt. 1.7.1994 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 21 June, 1995.

Grh.

  
Dy. Registrar (Jud)

04.727/95

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

V. Neeladi Rao. VC.

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

AND

R. Rangarajan.

THE HON'BLE SHRI A. B. GORTHI. MEMBER (J)

DATED

23.6.95

ORDER/JUDGMENT

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

O.A. NO.

in  
727/95

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

~~Rejected~~/Ordered.

No order as to costs.

Accordingly  
At the request of  
Page -

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YLKR

