

21.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

OA.47/96.

Date of order:14-2-96.

Between:-

Ravula Venkateswarlu ... Applicant.

And

1. The Member (Personnel),
Telecom Commission, Sanchar Bhavan,
New Delhi.
2. Chief General Manager, Telecom,
Andhra Pradesh, Hyderabad.
3. Director, Telecom, Guntur-522 007.

... Respondents.

Counsel for the Applicant Mr.K.Lakshmi Narasimha

Counsel for the Respondents: Mr.K.Ramloo, CGSC.

CORAM:

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

HON'BLE SHRI R.RANGARAJAN, MEMBER ADMINISTRATIVE.

O.A.NO.47/96

JUDGEMENT

Dt:14.2.96

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri K.Lakshmi Narasimha, learned counsel for the applicant and Shri K.Ramulu, learned standing counsel for the respondents.

2. After inquiry in the disciplinary proceeding, the applicant was dismissed by the disciplinary authority i.e. DET, Guntur by the order dated 14.11.84. The appellate authority modified it by reducing the pay of the applicant to the minimum of the time scale of pay applicable to Telephone Operators i.e. Rs.260/- in the time scale of Rs.260-400 with effect from the date of his joining duty, vide order dated 21.5.85 of R-3. The revision thereof was dismissed by R-2. Being aggrieved, the applicant filed this OA.

3. The only contention that was urged in this OA is that there is an infirmity in the order dated 21.5.85 passed by the appellate authority as he had not ^{specified} ~~satisfied~~ the period for which reduction to a lower scale in the time scale of pay has to operate, as contemplated under rule 11, Sub Rule-v of CCS (CCA) Rules.

4. Rule 11(v) of CCS (CCA) Rules reads as under:

Major penalties-

(v) Reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn

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increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;...."

The relevant portion of the order of the appellate authority is as under:

1. The punishment of Dismissal imposed by the DET Guntur on Sri R.Venkateswarlu, Telephone Operator vide his Memo No.E.1/Disc.Case/RV/83-84/59 dt.15.11.84, be reduced to that of reduction to the minimum of time scale of pay applicable to Telephone Operators i.e. Rs.260/- in that time scale of Rs.260-481/- with effect from the date of his joining duty.

2. xxxxxxxx xxxx xxxx xxxx

3. xxx xxxx xxxx xxxx xxxx

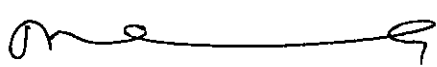
5. It is thus evident that the appellate authority had not specified the period from which the reduction as referred to has to operate. Thus there is infirmity in the order of the appellate authority to the extent ~~of it.~~

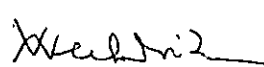
6. In the result, the OA is ordered as under:

The order dated 19.10.95 of R-2, the revisional authority, is set-aside. The matter is remitted to the appellate authority to specify the period as envisaged under Rule 11(v) of CCS (CCA) Rules for which reduction in ~~that~~ ^{the} stage has to operate. The appellate authority (R-3) has to dispose of the matter expeditiously and preferably

within one month from the date of receipt of the copy of this order.

7. The OA is ordered accordingly at the admission stage. No costs. //


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

Dated: 14th February, 1996.
Open court dictation


Dy. Registrar (Judl)

vsn

Copy to:-

1. The Member (Personnel),
Telecom Commission, Sanchar Bhavan,
New Delhi.
2. Chief General Manager, Telecom,
Andhra Pradesh, Hyderabad.
3. Director, Telecom, Guntur-522 007.
4. One copy to Mr. K. Lakshmi Narasimha, Advocate,
CAT, Hyderabad.
5. One copy to Mr. K. Ramlob, CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 18-2-1996

ORDER/JUDGMENT

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

in

O.A.No.

47/96

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No spare copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
27 FEB 1996
हैदराबाद बेंचपीठ
HYDERABAD BENCH