IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.30/96.   Date of Judgement : 19-4-1996

Between

A.R.Shanker   .. Applicant

And

1. Director-General,
   Telecommunications,
   Sanchar Bhavan,
   Parliament Street,
   New Delhi-1.

2. Director, Vigilance-3,
   Room No.423/B, 4th Floor,
   Dak Bhavan,
   Parliament Street,
   New Delhi-1.

3. Chief General Manager,
   Telecommunications,
   Nampally,
   Hyderabad-1.

4. The General Manager,
   Telecom. District, Hyderabad,
   Ryoeràoʻʉᶜᴐᴐᴛ¹ᵃᵛ

5. The Divisional Engineer,
   Trunks & SSX,
   Telephone Bhavan,
   Hyderabad-33.   .. Respondents

Counsel for the Applicant   .. Shri K.K.Chakravarthy

Counsel for the Respondents   .. Shri V.Rajeswara Rao,
                                    Addl. CGSC

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member (A)

                    Judgement

1.Oral Order as per Hon'ble Shri H.Rajendra Prasad, Member(A)

        The applicant, Shri A.R.Shanker, formerly Technician

under the administrative jurisdiction of Divisional Engineer

Trunks & SSX, Hyderabad, was charged under Rule 14 of

C.C.S.(C.C.A.) Rules, 1965, and removed from service

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on the ground of prolonged "unauthorised absence
w.e.f. 15-7-91 onwards". The disciplinary proceedings
culminating in the applicant's removal from service
resulted from of an ex-parte decision since the applicant
is stated to have not participated in the enquiry. A
revision petition was submitted to the Chief General
Manager, Telecommunications, A.P. Circle, who disposed
it of by upholding the punishment earlier imposed on
the applicant. Hence this O.A.

2.   We do not propose to go into unconnected or ancillary
aspects of the case. The following defects are, how-
ever, noticed in the proceedings which tend to vitiate the
order of punishment imposed on the applicant:

(i)   The charge levelled against the applicant concer-
ning unauthorised absence is imprecise and does not
spell out the actual period(s) of unauthorised absence in
clear terms. It has been merely mentioned that the applicant
was absent unauthorisedly w.e.f. 15-7-91, without spelling
out out the exact date upto which he was so absent. This
by itself may be regarded as a minor lacuna were it not for
the fact that the dates mentioned in the appellate order
do not quite tally and sit squarely with the dates mentioned
in the original charge-sheet.

(ii)   The orders passed by the disciplinary authority
on 15-12-91 merely refer to the period of unauthorised
absence as '15-7-91 onwards'. The Chief General Manager,
Telecommunications, while disposing of the appeal referred
to the period of absence as 15-7-91 to 18-2-92, which, inci-
dentally, works out to roughly 7 months. It is noted that

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as per the final orders passed by the Divisional
Engineer the applicant was absent from 15-7-91 and had
not returned to duty until 15-12-91, on which date
these orders were passed. Elsewhere, the Chief General
Manager, Telecommunications refers to, the period of
absence as two years which does not tally with the
charge levelled against the applicant or his own earlier
finding and observation.

3.   The above discrepancies lead us to hold that
the nature and quantum of punishment have not been correctly
determined and rationally arrived at vis-a-vis the
extent of the alleged unauthorised absence. Unless
the period of unauthorised absence is stated in clear
and specific terms, it would certainly appear that the
punishment of removal from service imposed on the
applicant was taken on unclear and unspecified grounds.

4.   Under the circumstances, it becomes necessary
to set aside the order passed by the Chief General
Manager, Telecommunications, A.P. Circle, Hyderabad,
vide his Memo. No.TA/STA/56/4-8-/93, dt.28-12-95, as
well as the order earlier issued earlier by the disciplinary
authority, viz. Divisional Engineer, Trunks & SSX, Hyderabad.
The case is remanded back to the Chief General Manager,
Telecommunications, who may like to have the case referred
back to the original disciplinary authority for proper
disposal.

5.   During the course of the hearing it was repeatedly
submitted on behalf of the applicant that he genuinely
regrets his earlier absences. Assurances were also held
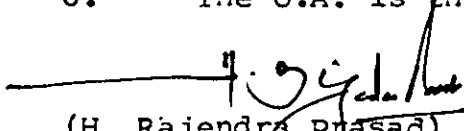out on his behalf that he would not provide any cause what-
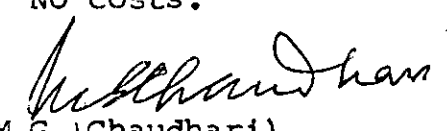
.4)

soever to the authorities to view his conduct with displeasure, and further that such absence will not recur under any circumstances. It may be added that the applicant, who was present in the Court Hall, appears to be in genuine financial and mental distress. The Chief General Manager, Telecommunications, may like to note and have this fact kept in view while deciding the further course of action. If it is still decided to pursue action against the applicant leading to the imposition of any of the major penalties on him, it shall be ensured that the applicant is given an opportunity of making any sub-mission at a personal hearing, if he makes such a request. Until the case is disposed of finally on the lines indi-cated, the order of removal passed by the Divisional Engineer, Trunks & SSX, Hyderabad vide his No.E.17/92-93/Tech/7381/24, dt.15-12-92, and the order passed by the CGM upholding the original punishment, shall stand suspended. Necessary action to take/pass a final decision/order shall be completed with reasonable despatch and expedition.
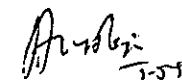
6.   The O.A. is thus disposed of.   No costs.

(H. Rajendra Prasad)   (M.G. Chaudhari)
Member (A)   Vice Chairman

Dt. 19-4-1996
(Open Court dictation)

br/kmv   Dy. Registrar (J)

OA 30/96

TYPED BY   CHECKED BY

COMPARED BY   APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

Dated: 19 - 4-1996

ORDER/JUDGMENT

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

in

O.A.No. 30/96

T.A.No.   (w.p.   )

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

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