

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.1365 OF 1997 & O.A.No.1404 OF 1997.DATE OF ORDER:10-8-1999.OA.No.1365 of 1997:Between:

T.Satyanarayana.

...Applicant

a n d

1. The Director General, Department of Telecom, Ashok Road, New Delhi.
2. The Director General, Department of Posts, Sansad Marg, New Delhi.
3. The General Manager, Telecom, East Godavari District, Rajahmundry-104.
4. The Sub-Divisional Officer, Telecom, Samalkot, E.G.District, A.P.
5. The Superintendent of Post Offices, Kakinada Division, Kakinada.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Krishna Devan

COUNSEL FOR THE RESPONDENTS :: Mr.V.Vinod Kumar

O.A.No.1404 of 1997:BETWEEN:

T.Satyanarayana Murthy.

...Applicant

a n d

1. The Director General, Department of Telecom, Ashok Road, New Delhi.
2. The Director General, Department of Posts, Sansad Marg, New Delhi.
3. The General Manager, Telecom, East Godavari District, Rajahmundry-533 104.
4. The Sub-Divisional Officer, Telecom, Peddapuram, E.G.District, A.P.
5. The Superintendent of Post Offices, Kakinada Division, Kakinada.

.....Respondents

COUNSEL FOR THE APPLICANT : Mr.Krishna Devan

COUNSEL FOR THE RESPONDENTS : Mr.V.Rajeshwar Rao

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CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: COMMON ORDER :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Both the OAs are clubbed together, heard and are being disposed of by this Common Order.

Heard Mr.Krishna Devan, learned Counsel for the Applicant in both the OAs, Mr.V.Vinod Kumar, learned Standing Counsel for the Respondents in OA.No.1365 of 1997, and Mr.V.Rajeshwar Rao, learned Standing Counsel for the Respondents in OA.No.1404 of 1997.

2. The applicants in these OAs were originally appointed as Telegraph Messenger (Extra-Departmental) in the then combined Post & Telegraph Office, in East Godavari District, A.P. on 17-9-1980 and 1-4-1980 respectively.

3. The P & T Department was bifurcated into two viz., Postal and Telecommunication Departments. The Telegraph Wing of the Postal Department was brought under the Telecommunications Department (DOT). The ^{officials} ~~applicants~~ who were working as Telegraph Messengers (Extra-Departmental) in the combined P & T Offices, were transferred to Telecom Centers along with the applicants herein. Hence, both

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the applicants who ^{were}~~are~~ then working as Telegraph Messengers in the East Godavari District, were transferred to the newly opened Telecom Centers by Order dated:30-3-1991 and 2-11-1992.

4. The Respondent No.3 in both the OAs directed the Sub-Divisional Engineer to arrange for repatriation of the applicants to the Postal Wing, vide letter No.TFC/EST.5/EDAs/97:98/50, dated:26-8-1997, and No.TFC.EST.5/EDAs/97.98/46, dated:12-8-1997, (Annexure.3 of both the OAs).

5. The contention of the applicants in both the OAs is that they are entitled to be absorbed as Group-ID' in the Telegraph' side only and hence, the repatriation orders dated:26-8-1997 and 12-8-1997 are challenged in these OAs.

6. In OA.No.1513 of 1997, which was disposed of on 15-3-1999, the same point came up for consideration. It was also brought to our notice in that OA that the repatriation of the officials in Writ Petition No.30574 of 1997 dated:1-12-1997 and Writ Petition No.30202 of 1997, dated: 1-12-1997, were suspended by an Interim Order. Hence, the prayer in that OA has to be allowed. That point was also considered in the Judgment in OA.No.1513 of 1997. In the present OAs also the applicants have brought to our notice the similar interim suspension in WPMNo.36044 of 1997 in WP.No.30802 of 1997, dated:1-12-1997.




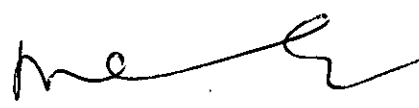
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7. We have considered the contentions raised by both the parties and also the interim suspension in other OAs. At the outset it has to be held that the interim orders passed in those Writ Petitions cannot be taken as a Judgement-in-rem, as it is applicable to the parties concerned in those petitions. However, the applicants are at liberty to move the Hon'ble High Court of A.P. to get similar orders, if they are so advised.

8. For the reasons stated in OA.No.1513 of 1997, the Judgment in these OAs is passed that there is no reason for giving a direction to the respondents to continue the applicants in the Telecommunication Department.

9. In view of the above, both the OAs are dismissed leaving the parties to bear their own costs.

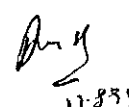

 (B.S. JAI PARAMESHWAR)
 MEMBER (JUDL)
 10.8.99


 (R. RANGARAJAN)
 MEMBER (ADMN)

DATED: this the 10th day of August, 1999

Dictated to steno in the Open Court

 DSN


 11-8-99