

60

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
C.A.No. 1650 /97.
- - - - -

Date of decision: 26-3-1999.
- - - - -

Between:

Mohd. Rafeeq Ahmad. .. Applicant.

and

1. The Chief General Manager,
Telecommunications, A.P.Circle,
Abids, Hyderabad.
2. The General Manager, Telecom,
Hyderabad Area, Secunderabad.
3. The Telecom District Manager,
Kurnool.
4. The Telecom District Engineer,
Mahboobnagar.
5. The Adviser, Human Resources Develop-
ment, Telecom Commission, Sanchar Bhavan,
New Delhi. - 110 001. .. Respondents.

COUNSEL FOR THE APPLICANT: Sri V.Venkateswara Rao.

Counsel for the Respondents: Sri J.R.Gopal Rao.

CORAM.

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(By Hon'ble Sri B.S.Jai Parameshwar, Member(A)
--

Heard Sri V.Venkateswara Rao, for the applicant
and ~~Sri J.R.Gopal Rao~~ Sri J.R.Gopal Rao, for the respondents.

The applicant herein who was working as Head
under Respondent No.4
Draughtsman/was issued with a Charge-sheet dated 18.1.1993
for unauthorised absence for the period from 15.9.1992 to

32

(4)

14,8.1992. An enquiry was conducted. As it was an *enquiry*
~~Rukxixi~~ under Rule 14 of the Central Civil Services
(Classification, Control and Appeal) Rules, 1965, the
Enquiry Officer submitted his report without hearing
the applicant as the applicant did not attend the
enquiry proceedings. The ~~Disciplinary~~ Authority
imposed the punishment of removal from service by
Order No. TDM/KNL/93/00/6 dated 19.1.1994. The
applicant submits that the Enquiry Report was not
given to him and hence requested for supply of a
copy of that report. He further adds that his request
was treated as an appeal and was disposed ^{of} by the order
dated 25.6.1994 confirming the earlier punishment
issued by the Disciplinary Authority.

Thereafter, the applicant submitted a
revision petition addressed to the Adviser, Human
Resources Development, Telecom Commission on 8.3.1997.
But he was informed by the letter dated 27.10.1997
that he was advised to resubmit his petition addressed
to Chief General Manager, Telecommunications, A.P.Circle,
Hyderabad through the Office of Telecom District Manager
Mahabubnagar
/ within 15 days from the date of receipt of that letter.
Accordingly the applicant had submitted his representation
in accordance with the instructions issued by the Telecom
District Manager ^{Mahabubnagar} / addressed to the Chief General Manager,
Telecommunications, Hyderabad. It is stated that the
representation/review petition addressed to the Chief
General Manager, Telecommunications, A.P.Circle, Hyderabad
is still pending disposal.

R

62

: 3 :

This C.A., is filed to set aside the impugned Order dated 19-1-1994 and the Memo No. TAH/ST/26-17 dated 25.6.1994 issued by the Respondents 2 and 3 respectively and for a consequential direction to reinstate the applicant in service with effect from 19.1.1994.

The contentions of the applicant are as follows:

- i) The Charge-sheet was not issued by the Competent Authority.
- ii) The applicant was not given the Enquiry Report before imposing the punishment on him.
- iii) It is an exparte decision without giving an opportunity to hear him.

The above three contentions were denied by the respondents. The learned counsel for the applicant submits that the representation/review petition submitted by the applicant to the Chief General Manager, Telecommunications, A.P.Circle, Hyderabad dated 11.7.1997 is still pending disposal and that the Tribunal may decide the case as the Proceedings ~~are~~ now have not yet come to finality.

In view of the above submission the following directions are given:

- 1) The Respondent No.1 shall dispose of the representation/review petition of the applicant dated 11.11.1997 within a period of 45 days from the date of receipt of a copy of this Order. Short time is given

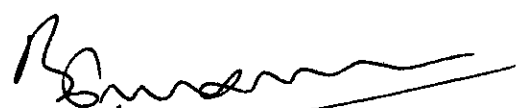
B

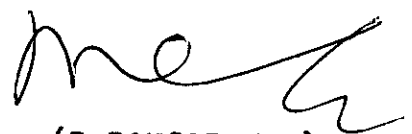
as the representation has been submitted way back in Novembwr, 1997.

ii) If the prayer of the applicant is going to be rejected, then Respondent 1 shall give a speaking order analysing all the contentions raised by the applicant in his representation as well as ⁱⁿ this O.A.

iii) If the applicant is aggrieved by the order given by the Respondent No.1, he is at liberty to initiate such judicial proceedings as are open to him in law.

With the above directions, the O.A., is ordered. No costs.

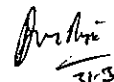

(B.S. JAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)

26.3.99

Datd; 26--3--1999.

Dictated in open Court.


31388.

9/4/99
IST AND IIND COURT

Copy to:

1. HDHMJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

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

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

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

DATED: 26.3.99

ORDER/JUDGEMENT

MA./RA./CP.No. _____

IN

O.A. NO. 1650/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

10 (Ten) Copies

