

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENC
AT HYDERABAD

OA.962/99

Dt.15.2.2000

Between

M. Chandraiah

: applicant

and

1. Principal General Manager
Hyderabad Telephone District
Suryalok Complex, Gunfoundry
Hyderabad 500001

2. Sub Divnl. Officer (SDO) Phones
Department of Telecommunications
BHEL, MIG, RC Puram
Hyderabad 500032

3. Sub Divnl. Engr.(Staff)
O/o Principal General Manager
Telecommunications
Hyderabad Telecom District
Suryalok complex, Gunfoundry
Hyderabad -500001

4. Asstt. General Manager
(Human Resources Development)
o/o Principal General Manager
Telecommunications, Suryalok
Complex, Gunfoundry
Hyderabad 500032

5. K. Sunder Rao,
SDE (Legal Cell)
O/o Principal General Manager
Telecom, Hyderabad Telecom District
Suryalok complex, Gunfoundry
Hyderabad 500001

: Respondents

Counsel for the applicant

: B.S.A. Satyanarayana, Advocate

Counsel for the respondents

: V. Rajeswara Rao, CGSC

Coram

Hon. Mr. ;B.S. Jai Parameshwar, Member (Judl)

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Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(J)

Heard.

1. The applicant was initially engaged as unapproved Casual Mazdoor in the respondents organization with effect from 1-6-86. He was conferred with temporary status on 1-5-1994.
2. ^{le} While he was working as such the respondent No.2 issued a show cause notice stating that the Mazdoor card and the number of days worked ~~and~~ furnished by him are false and incorrect and his services are to be terminated. The applicant submitted his explanation.
3. The respondent No.2 without considering his explanation orally terminated the services of the applicant. Then the applicant approached this Tribunal in OA.1290/98. The said OA was decided on 23-11-98 with a direction to the respondents to reinstate the applicant into service and proceed against him in accordance with rules. It is stated that the respondents failed to implement the direction of this Tribunal.
4. Hence the applicant had approached this Tribunal by filing CP.31/99. The applicant was later reinstated into service and a charge memo was issued.
5. The respondent No.2 furnished ^{a Copy of} inquiry report and sought his explanation. The applicant submitted his explanation to the findings of the inquiry officer. Therefore ^{after} the Respondent No.2 by his memo No.X/DC/Mazdoor/BHEL/98-99/16 dated 23-2-1999 terminated the services of the applicant.
6. The applicant has filed this OA for the following reliefs:
To call for the records connected with the recruitment of Casual Mazdoors, and after perusal declare the action of

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the respondents in :

a) appointing an Inquiry Officer by respondent No.1 on 7-10-98.

b) terminating the services of the applicant in pursuance of the said inquiry and the inquiry report which were not conducted strictly in accordance with the law nor with the rules of departmental inquiry as illegal, arbitrary, malafide and in consequence set aside the memos viz. i) X:DC:TSM:BHEL:98-99/7 dated 22-6-98; ii) X:DC:TSM:BHEL:98-99/10 dated 3-2-1999; and iii) consequential order passed by the respondent No.2. contained in memo No.X:DC:Mazdoor:BHEL:98/16 dated 23-2-99 and in consequence direct the respondents to take back the applicant into service treating the entire period of the absence from 23-2-99 till the date of judgement as duty and service with all consequential benefits, and to conduct the inquiry, if felt necessary in terms of the Circular of respondent No.1 dated 15-4-91 from the stage of issuing a charge sheet affording full reasonable opportunity to the applicant.

7. The respondents have not filed their reply. But however they submit that the reply filed by them in OA. 1007/99 shall be taken as reply in this OA also.

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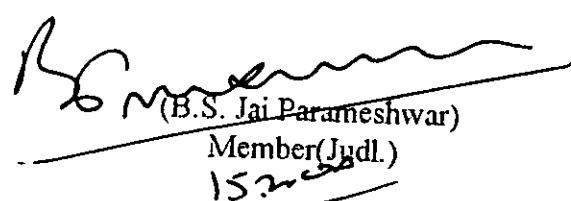
8. During the course of hearing the learned counsel for the respondents produced a copy of the order dated 5.1.2000 passed in OA.1011/99 and 1007/99. They submit that the stand taken by them in those two cases is their stand in this OA also.

9. Ultimately the said two OAs came to be decided directing the respondents to reinstate the applicants into service without back wages and giving liberty to the respondents to proceed against them in accordance with rules.

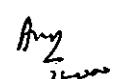
10. Hence, relying upon the orders in OA.1007 and 1011 of 1999 decided on 5.1.2000, I direct the respondents to reinstate the applicants into service forthwith but not with any back wages.

It is made clear that the respondents shall not be precluded from conducting full fledged inquiry against the applicants in accordance with law.

11. With the above directions the OA is allowed. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)
15/2

Dated : 15 February, 2000
Dictated in Open Court


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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

~~1ST AND 2ND COURT~~

COPY TO:

1. HDHNJ
2. HARN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.RI A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

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

THE HON'BLE MR.R.RANGARAJAN
MEMBER (ADMN.)

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

* * *

DATE OF ORDER: 15/2/2000

MA/R/CP.NO.

IN

OA. NO. 962/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP. CLOSED

RA. CLOSED

(9 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
शेषण / DESPATCH

-6 MAR 2000

हैदराबाद न्यायालय
HYDERABAD BENCH