

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

D.A.No.819 OF 1999.

DATE OF ORDER:31-5-1999.

BETWEEN:

N.Satyinandam.

.....Applicant

and

1. Ministry of Communications,
Rep. by its Secretary,
Telecom Commission, Sanchalan Bhavan,
Parliament Street, New Delhi-1.

2. The Chief General Manager,
AP Circle, Door Sanchar Bhavan,
Nampally Station Road,
Hyderabad-1.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.N.R.Devaraj

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

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

AND

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

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.N.R.Devaraj, learned Counsel for the
Applicant and Mr.B.Narasimha Sharma, learned Standing
Counsel for the Respondents.

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2. The applicant while working as a Divisional Engineer under Respondent No.2 Adilabad, was issued with a Charge Sheet for certain lapses, vide Memorandum No.8/42/96-Vig.II, dated:22-8-1996 (Annexure VI, page.23 to the OA). The applicant submitted his reply to the Charge Memo, vide his letter No.PF/TDE: ADB/ dated:31-1-1997 (Annexure.IX, page.36 to the OA), i.e., the applicant has submitted within 4 to 5 months ^{in explanation} from the date of receipt of the Charge Sheet. But it is stated that the Charge Sheet is not finalised yet. In the meantime, number of his juniors who are three batches below him had been promoted to the higher grade. The applicant was asked to lookafter the duties of the higher post at Adilabad till now as TDM. In the meantime, promotion order promoting one Sri N.Nagesh Rao, who is reported to be three batches junior to the applicant has been posted as TDM, Adilabad. The applicant submits that the charges being minor one, should have been disposed of within three months as per the standing instructions of the P & T Department (Page.47 to the OA). The respondents failed to do that. Further the respondents have posted a junior above the applicant at Adilabad, even though he was discharging the duties of that post so far. Thus the respondents have inflicted the injury not only in not disposing of his representation but also making him to work under a junior. Hence, he requests that the Charge Sheet should be quashed and he should not be allowed to work under his junior.

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3. This OA is filed to quash the Charge Sheet dated:22-8-1996, issued by Respondent No.1 under Rule 16 of CCS(CCA)Rules,1965, as inordinate delay has been caused in disposing of his representation against that Charge Sheet and for a consequential direction that the applicant is entitled for promotion from the date when his immediate junior in his batch was promoted with all consequential benefits.

4. The respondents no doubt delayed in disposing of the Charge Sheet even though the applicant had ^{Explanation} filed his ~~representation~~ against the Charge Sheet within 4 to 5 months from the date of receipt of that Charge Sheet. Hence, the respondents had not acted in accordance with the rules. The delay on the part of the respondents cannot be condoned lightly. Hence, the Charge Sheet bearing Memorandum No.8/42/96-Vig.II, dated:22-8-1996, has to be disposed of within a period of 45 days from the date of receipt of a copy of this Order.

5. The applicant submits that he has been asked to work under his junior and it will be a humiliation to him. We feel that the applicant cannot be humiliated for no fault of his and not disposing of the Charge Sheet within the stipulated time of three months as per the standing instructions of the Telecom Board. Hence, a direction should also be given to see that the



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applicant is not allowed to work under his junior as far as possible. This is possible if a Status-quo as on date is maintained till the disposal of the Charge Sheet within 45 days. In case due to exigencies of service, the post^s have to be manned by an Officer of the rank of TDM, then the respondents should preferably post a senior officer senior to the applicant in the cadre of Divisional Engineer as TDM, Adilabad. If that is not possible then only the question of posting a junior to the applicant to be considered for posting as TDM, Adilabad.

6. In the result the following directions are given:-

- i) The Charge Sheet issued to the applicant dated: 22-8-1996 should be disposed of within 45 days from the date of receipt of a copy of this Order. If the Charge Sheet is not disposed of within that stipulated date, then the Charge Sheet stands quashed;
- ii) As far as possible the Status-quo as on date should be maintained till the disposal of the Charge Sheet dated: 22-8-1996 within 45 days. If it is not possible to keep the higher grade post TDM vacant for 45 days, then the

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respondents should take steps for posting a senior to the applicant in the category of ~~TDM~~^{DE as TDM}, Adilabad. If it is not possible to post a senior then only a junior should be considered for posting as TDM, Adilabad.

7. With the above directions, the OA is disposed of at the admission stage itself. No costs.


(B.S.JAI PARAMESHWAR)

 MEMBER (JUDL)
 31.5.99

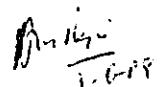

(R.RANGARAJAN)

 MEMBER (ADMN)

DATED: this the 31st day of May, 1999

Dictated to steno in the Open Court

DSN


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