IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.903/99 dt.15-2-2000

Between

B. Srisailam : Applicant

and

1. Principal Genl. Manager
Hyderabad Telephone District
Surya Lok Complex, Gunfoundry
Hyderabad 500001

2. Sub Divnl. Officer (SDO Phones)
D/o Telecommunications, BHEL
MIG, RC Puram, Hyderabad -32

3. SDE (Staff)
O/o Principal Genl. Manager
Telecommunications, Hyderabad
Telecom District, Suryalok Complex
Gunfoundry, Hyderabad 1

4. Asstt. Genl. Manager
(Human Resources Development)
O/o Principal Genl. Manager
Telecommunications, Suryalok Complex
Gunfoundry, Hyderabad 32

5. K. Sunder Rao, SDE (Legal Cell)
o/o Principal Genl. Manager
Telecom, Hyderabad Telecom District
Suryalok Complex, Gunfoundry
Hyderabad 500001 : Respondents

Counsel for the applicant : B.S.A. Sayanarayna
Advocate

Counsel for the respondents : V. Rajeswara Rao
CGSC

Coram

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

OA.903/99 DATED : 15.2.2000

Order

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

Heard Mr. Govinda Rajulu for Mr. B.S.A. Satyanarayana, learned counsel for the applicant and Mr. V. Rajeswara Rao, learned counsel for the respondents.

1. The applicant herein was initially engaged as unapproved casual labour under the respondent organization with effect from 1.6.86. He was conferred with temporary status on 1.4.84.

2. While so, the respondent No.2 issued a show cause notice No.X/DC/TSM/BHEL/98-99/2 dated 20.6.98 (Annex.2) ~~pressing~~ proposing to remove the applicant from service on the pretext ~~of~~ that his Mazdoor card, and number of working days etc. were on verification found to be false and incorrect. The applicant submitted reply to the said show cause notice denying the alletgations.

3. The Respondent No.2 even before conducting the inquiry into the allegations orally terminated the services of the applicant. The applicant approached this Tribunal in OA.1286/98 challenging his oral termination and show cause notice dated 20.6.98. The said OA was decided on 23.11.98 with a specific direction to the Law Officer, Respondent No.5 herein to ensure that all the applicants be taken into duty. It was further observed that the interim direction given by the Court shall not ~~given~~ cause any restraint to the respondents if it is found necessary if any disciplinary action initiated against the applicant.

4. As the respondents have failed to carry out the directions given in the OA, the CP.21/99 was filed. The applicant was reinstated into service and an inquiry was ordered. By memo dated 2.2.99 the Respondent No.2 attempted to act as disciplinary authority and sought representation from the applicant against the findings of the inquiry officer. The applicant submitted a reply to the report of the Inquiry Officer on 5.2.99. In the said reply, the applicant questions the manner of conducting the inquiry against him.

5. The respondent No.2 by his order dated 22.2.1999 terminated the services of the applicant with immediate effect.

6. The applicant has filed this OA for the following relief's:

To call for the records connected with the recruitment of casual mazdoors, and after perusal declare the action of the respondents in:

a) appointing an I.O. by the Respondent No.4

b) filing the counter affidavit by the respondent No.5 in the OA.1286 of 1998;

c) Terminating the services of the applicant in pursuance of the 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 all the memos viz.1) Memo No.X/DC/TSM/BHEL/98-99 Dated 20.6.98; 2) Memo No.SDE(Staff)/Bogus/Maz-card/98, dated 11.1.99; and 3) consequential order passed by the Respondent No.2 contained in Memo No.X/DC/Mazdoor/BHEL/98/17 dated 22.2.1999 and in consequence direct the respondents to take back the applicant into service treating the entire period of absence from 22.2.1998 till the date of judgement, as service with all consequential benefits, and to conduct the inquiry if felt necessary, in terms of the circular of the Respondent No.1 dated 15.4.1991, from the stage of issuing a charge sheet affording full reasonable opportunity to the applicant.

7. The respondents have filed their reply.

42

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 respondentsshall 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.)
15.2.00

Dated : 15 February, 2000
Dictated in Open Court

sk

1. HOHOD

2. HUPPIM (ADMR.)

3. HUPLUP M (JUDG.)

4. S.R. A(GMR.)

5. SP/MC

6. ADVOCATE

7. STANDING COUNSEL

NO. JUDGE AS TO COSTS
DATE OF ORDER:

MA/RA/CP.NO.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.
O.A. NO.

ADMITTED AND INTERIM DIRECTIONS
ISSUED

COPY TO:

1. [illegible]

2. [illegible] (ADMR.)

3. HUPLUP M (JUDG.)

4. S.R. A(GMR.)

5. SP/MC

6. ADVOCATE

7. STANDING COUNSEL

NO. JUDGE AS TO COSTS
DATE OF ORDER:

MA/RA/CP.NO.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.
O.A. NO.

ADMITTED AND INTERIM DIRECTIONS

COPY TO:

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

NO. JUDGE AS TO COSTS
DATE OF ORDER:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

IST AND IIND COURT

COPY TO:

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

TYPED BY
COMPARED 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: 15/2/00

MA/~~RA/CP.~~NO.

IN

OA. NO. 903/99

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(9 copies)