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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENC
AT HYDERABAD

OA. 904/99

Dt. 15.2.2000

Between

R.K. Anand
and

: applicant

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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904.99

15.2.2000

Order

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

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

1. The applicant was initially engaged as unapproved Casual Mazdoor in the respondents Organization with effect from 1.6.1986. He was conferred with temporary status on 1.4.1994.
2. While so the respondent No.2 issued a show cause notice dated 27.6.98 proposing to remove the applicant from service. The applicant submitted his explanation. Without considering the explanation the respondent No.2 orally terminated the services of the applicant. The applicant approached this Tribunal in OA.1289/97 challenging the oral termination as well as the show-cause notice. The said OA was decided on 23.11.98 directing the respondents to ensure that the applicant be taken on duty. It was further argued that the directions given in OA.1289/99 dated 23.11.98 be followed in this OA also.
3. As the respondents failed to implement the judgement in OA, CP.31/99 was filed. Thereafter the respondents reinstated the applicant into service and issued charge memo. On the basis of the inquiry conducted the respondent No.2 attempted to terminate the services of the applicant by memo No.Z/DC/Mazdoor/BHEL/98-99/13 dated 22.2.99.

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4. 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 Inquiry Officer by the respondent No.4 on 7.10.98.
- b) Filing the counter affidavit by the respondent No.5 in the OA.1289 of 98 on behalf of all the respondents without himself being one of the respondents.
- c) Terminating the services of the applicant in pursuance to 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 all the memos viz.(1)

Memo No.X/DC/TSM/BHEL/98-99 dated 27.6.98; (ii) Memo No.X/DC/TSM/BHEL/98-99/7 dated 2.2.99; (iii) consequential order passed by the respondent No.2 contained in Memo No.X/DC/Mazdoor/BHEL/98/7 dated 22.2.1999 and in consequence direct the respondents to take back the applicant into service treating the entire period of absence from 22.2.99 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.

5. The respondents have filed a reply.

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6. 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.

7. 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.

8. 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.

9. 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



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HONORABLE

2. HONORABLE (ADMN.)

3. HONORABLE (JUD.)

4. D.R. 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 (JUD.)

* * *

DATE OF ORDER: 15/2/2000

MA/RA/CP.NO.

IN

OA. NO. 904/00

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

a copy

Central Administrative Tribunal
HYDERABAD / DESPATCH

- 6 MAR 2000

Hyderabad Bench
HYDERABAD BENCH