

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1238/99

dt.14-2-2000

Between

1. G. Raghu
2. M. Anjaiah
3. K. Andaloo
4. M. Narsing Rao
5. J. Venkatesh
6. C. Raju

: Applicants

and

1. Principal General Manager
Hyderabad Telecom District
Suryalok Complex
Gunfoundry
Hyderabad

2. Sub Divnl. Officer
Phones (SDO), Dept.of Telecom
Chandrayangutta
Hyderabad 500005

3. Sub Divnl. Engr.(Staff)
o/o Principal Genl. Manager
Telecom Hyderabad Telecom Dist.
Suryalok Complex
Gunfoundry
Hyderabad 500001

4. Asstt. Genl. Manager
(Human Resources Development)
AGM HRD, o/o Principal Genl.
Manager, Telecom
Suryalok Complex
Gunfoundry
Hyderabad 500001

: Respondents

Counsel for the applicants

: BSR Satyanarayana
Advocate

Counsel for the respondents

: V. Rajeswara Rao
CGSC

Coram

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



OA.1238/98

dt.14-2-2000

Order

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

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

1. There are six applicants in this OA. They were initially engaged as unapproved Casual Mazdoors ⁱⁿ with the respondents organization with effect from 1-6-1986. They were conferred with temporary status from 1-5-1994. They submit that from 1-5-1994 the respondents ^{have been} ~~are~~ paying them salary at the minimum of scale of Group-D, plus increment for every completed year of service; DA at the corresponding rates, HRA and CCA on par with regular Group-D employees.
2. In the meanwhile, the Respondent No.2 issued show-cause-notice dated 22-6-98 proposing to remove the applicants from service on the grounds that Mazdoor cadres, No. of working days are found to be false and fabricated requiring them to show-cause ~~xxxxxx~~ as to why action should not be taken against them. The applicants submitted their reply.
3. Even before an inquiry was conducted the respondent No.2 directed them not to attend duties with effect from 1-9-98, orally. The oral orders and the show-cause-notice issued by the Respondent No.2 were questioned by the applicants in the OA.1304, 1285, 1303, 1293, 1294 and 1296 of 1998 on the plea that the said action of the Respondent No.2 was violative of the principles of Natural Justice. In the said OAS interim order dated 6-10-98 was passed directing the respondents to continue to allow and not to prevent the applicants from performing duties till further

..2.

orders. The applicants submit that the respondents failed to obey the interim order. The said OAs were disposed of with an observation that the respondents were at liberty to initiate disciplinary action if they found necessary against the applicants strictly in accordance with the procedure. After disposal of the OAs, the Respondent No.2 issued a ^{Charge} memo. The applicants submitted a reply to the charge memo dated 5-2-1999 challenging the method of conducting the inquiry, and that the action was being taken against the ~~own~~ directions of the Tribunal vide order dated 23-11-98.

4. The Respondent No.2 by his reply No.SDOP/CGT/G-5/98-99 dated 26-2-99 informed that the services of the applicants stand terminated with immediate effect.

5. The applicants have filed this OA for the following reliefs:

- a) To call for the records connected with the recruitment of Casual Mazdoors, and after perusal declare the action of the Respondents in :
 - i) appointing an IO by Respondent No.4 on 7-10-1998;
 - ii) terminating the services of the applicants 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, mala-fide and in consequence set aside the memos No.SDE (Staff) Bogus/MAZCARD dated 15-1-99 and Memo No.SDOP/CGT/G-5/98-99 dated 28-2-1999.
- b) direct the respondents to take back the applicants in to service treating the entire period of absence from 26-2-1999 till the date of judgement, as duty and service with all consequential benefits, and

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c) 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 applicants.


6. At the time 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 of 99. They submit that the stand taken by them in those two cases is the stand taken in this OA also.

7. Ultimately the said two OAs came to be decided directing the respondents to reinstate the applicants into service 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 backwages.

9. 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.)
14/2/00

Dated : 14 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. HDHND
2. HRN M (ADMN.)
3. HBSOP M (JUDL.)
4. D.R. A (DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED 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: 14/2/2000

MA/BA/CP.NO.

IN

OA. NO. 1238/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

SP. CLOSED

BA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

