

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.329/2019

This the 20th day of February, 2020

Smt. Ashlesha,
wife of Shri Mihir V.Mehta,
Age about 55 years,
Working as TREX in the Office of the respondents
Residing at M 14/159, Vidyanagar Flats,
132 feet Ring Road, B/h Himmatlal Park II,
Ahmedabad : 380 015.....**Applicant**

(By Advocate : Shri M.S.Trivedi)

Versus

1. The Deputy Director,
Office of DG, All India Radio,
Akashwani Bhavan, Room No. 147, Parliament Street,
Sansad Marg, New Delhi : 110 001.
2. The Additional Director General (P) (WR-I & II)
O/o. ADDG (WR- I & II), Broadcasting House,
Backbay Building, H.T. Parekh Marg,
Mumbai 400 020.
3. The Assistant Director (P)
O/o. AD (P). All India Radio
Bhuj, 365 201.
4. Shri Jayesh N. Raval
PEX, O/o. AD (P), All India Radio
Bhuj – 365 201. Respondents.

ORAL ORDER

Per : Hon'ble Shri M.C.Verma, Member (J)

Matter is at motion hearing stage. In this OA, the grievance of the applicant is against communication dated 21.6.2019 (Annexure A-1) issued by respondent No.2 and against communication dated 23.8.2019 (Annexure A-2) of respondent No.3 whereby report

CAT, Ahmedabad Bench

asked for by the respondent No.3 was sent. Content of Annexure A-1 reveals that ADP of O/o. ADG (P) (WR-I & II) had a surprise visit of AIR Bhuj from 07.5.2019 to 09.5.2019 and noticed some discrepancies regarding attendance of Shri Mihir Mehta and Smt. Ashlesha Mehta (Applicant herein) and vide communication dated 21.6.2019 details, mentioned of which are in the letter, were asked to be scrutinized and to submit the report by 22.7.2019. The details which were asked to be scrutinized are as under :

“(1) The attendance record of both the officers since their joining at AIR Bhuj. Their absence record may be checked from BAS/ AEBAS and the same may be cross-checked with leave applications submitted by them. The leaves with no leave application may be regularised.

(2) The details of all the leaves granted to these officers for attending court cases/ CBI cases. Against each leave the case number of CBI/Court may be mentioned. A copy of all these summons may also be enclosed.

(3) Complete details of all the TA Bills paid to these officers since their joining. Against each TA Bills the amount paid, duration of tour, the purpose of tour may be mentioned. If the tour was granted for attending court/ CBI case the case numbers may also be mentioned in the table.

(4) Any special leave granted for attending sports events by both these officers. The details with copy of letter of the authority approving such special leave/ tour may also be enclosed.”

2. Points raised vide communication dated 21.6.2019, were investigated and report was submitted vide letter dated 23.8.2019 of Respondent No.2. No further action qua report appears to be there as it has not been disclosed in the pleadings. Applicant has prayed

to quash and set side communication dated 21.6.2019 (Annexure A-1) and communication dated 23.08.2019 (Annexure A-2).

3. Today is the 11th date. Record reflects that previously on some date applicant's counsel did sought adjournment and on some other dates he sent leave note and on some date it is only proxy counsel who did appear and sought adjournment. Today also Shri M.S.Trivedi, learned counsel for applicant has sent leave note.

4. Cursory look of previous order sheet illustrate that the intent of applicant is to keep the matter alive only. After institution matter, for the first time came on Board on 01.10.2019, and on that day, counsel for applicant sent leave note and matter was adjourned to 18.10.2019. Matter has come on Board several time thereafter. Datewise proceedings orders from 18.10.2019 to 08.11.2019 is as under:

"18.10.2019.

Present: Shri H.B.Desai, learned proxy counsel for applicant.

So far even on second call learned counsel for applicant has not appeared till rising of Court. Hence, matter on request of proxy counsel is adjourned to 21.10.2019.

21.10.2019

Present : Shri M.S.Trivedi counsel for applicant.

Learned counsel Shri M.S.Trivedi submits that he has to go Hon'ble High Court to conduct some urgent matter and request for adjournment. On his request, the matter is adjourned to 23.10.2019.

23.10.2019

CAT, Ahmedabad Bench

Present : Shri M.S.Trivedi counsel for applicant.

Learned counsel Shri M.S.Trivedi request for some time. On his request, the matter is adjourned to 08.11.2019.

08.11.2019.

Present: None for applicant.

Shri M.S.Trivedi, learned counsel for applicant has sent leave note. Hence, matter is adjourned to 13.11.2019."

5. On 13.11.2019 also, learned counsel for applicant did not appear and proxy counsel sought adjournment. Any how, adjournment was granted extending warring that if on the next date matter would not be pursued necessary order will be passed.

6. After 13.11.2019 also matter had come on Board tetra times i.e. on 21.11.2019, 29.11.2019, 20.12.2019 and 20.01.2020 and was adjourned for the reason mentioned in respective order of the date. Proceedings Order of said dates, for sake of brevity are also reproduced herein below :-

"21.11.2019.

Present: Shri M.S.Trivedi, learned counsel for applicant.

Learned counsel submits that some of the issue in instant OA are covered by matter pending on the file of Hon'ble High Court also in SCA No.14536/2018 and said SCA is listed for hearing today.

At the request of learned counsel for applicant matter is adjourned to 29.11.2019.

29.11.2019

Present: Shri M S Trivedi, learned counsel for applicant.

Learned counsel submits that the SCA No.14536/2018 has been adjourned to 19.12.2019. Hence this matter be listed after 19.12.2019.

CAT, Ahmedabad Bench

Matter is adjourned to 20.12.2019.

20.12.2019

Present : None for applicant.

Shri M S Trivedi, learned counsel for applicant has sent leave note.

Matter is adjourned to 20.01.2020.

20.01.2020

Present : None for applicant.

In view of leave note submitted by learned counsel for applicant, Shri M.S.Trivedi, the case is adjourned to 20.02.2020."

7. Today, as noted above, none appeared for the applicant and applicant's counsel Shri M.S.Trivedi, learned Advocate has sent a leave note. Taking note of entirety, it appears that applicant or his counsel is not interested to pursue the matter. hence, the OA is dismissed for non prosecution.

(M.C.Verma)
Member (J)