

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2415/2001

New Delhi this the 13th day of September, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

Jatinder Kumar
S/o Late Shri Notan Dass
R/o House No.2349 Sector 16
Faridabad
(Haryana)

... Applicant

(By Shri S. N.Anand, Advocate)

-versus-

1. Union of India through
Secretary
Ministry of Communications
(Department of Telecom.)
Sanchar Bhawan
20. Ashoka Road
New Delhi-110 001.
 2. The Chief General Manager
Mahanagar Telephone Nigam Limited
Khurshid Lal Bhawan
New Delhi-110050.
 3. The Chief General Manager
NTR Maintenance Region
Kidwai Bhawan
Japath
New Delhi.
 4. The Chief General Manager
Haryana Telecom Circle
Ambala (Haryana)
- ... Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:-

V.K.

Applicant had joined the Delhi Telephones (now Mahanagar Telephone Nigam Limited, (M.T.N.L.)) in 1972. He was promoted to the post of Junior Engineer in 1978. In 1986 his services were transferred to DE Phones Faridabad. By an order passed on 20.3.1997 at Annexure B, he was repatriated to M.T.N.L., New Delhi. Applicant in the meanwhile had been placed under

3

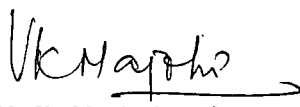
suspension by an order passed on 16.2.1994 at Annexure 'A' in view of a prosecution launched against him on the charge of providing international telephone calls at cheap rates to specified customers by fraudulent means punishable under Section 120-B read with Sections 420 468, 471 IPC 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and Section 25 of the IT Act. After passing of the aforesaid order of repatriation at Annexure B, his parent department, namely M.T.N.L. had refused to accept him on the ground that he had been placed under suspension. The order provides that he could not be allowed to join M.T.N.L. on repatriation unless the suspension order was revoked and disciplinary case was settled at the hands of General Manager Telecom District, Faridabad. Aforesaid order of suspension has duly been revoked by an order passed on 25.11.1999 at Annexure 'F'. As far as the aforesaid prosecution is concerned, no progress has so far been made. A charge has not even been framed so far. Applicant in view of the aforesaid facts seeks direction to the respondents to take him back in M.T.N.L. New Delhi and give him a suitable posting. Applicant in the circumstances has submitted his representations on 8.1.2001 and 22.5.2001 at Annexure 'J'. No decision thereon has so far been taken.

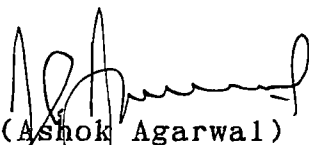
2. In the circumstances, we find that interest of justice will be duly met by disposing of the present OA at this stage itself even without issuance



of notices with a direction to the respondents 2 & 3 to take a suitable decision and pass speaking orders on the aforesaid representations and communicate the same to the applicant expeditiously and within a period of four weeks from the date of service of this order. A copy of the OA may also be treated as an additional representation. We direct accordingly.

3. Present OA is disposed of in the aforestated terms. ,


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

/sns/