

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1613/98
MA 1707/98

(b)

New Delhi, this the 1st day of March, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S. Tampli, Member (A)

1. Shri D.K.Sharma
S/o Shri N.K.Sharma
R/o D-32, Sector - 9
Vijay Nagar
Ghaziabad -201009
2. H.C.Chawla
S/o A.C.Chawla
R/o C-15, Gali Ram Mandir
New Gobindpura,
Delhi - 110051
3. Shri Sunder Lal Nandwani
S/o Shri Ram Kishan Nandwani
C/o 30, Rishav Colony
Panipat (HARYANA)
4. Shri C.S.K. Dewan
S/o Late Shri Girdhari Lal
R/o D-173, Shyam Park Extension
Sahibabad, Ghaziabad.

...Applicants.

(None present)

V E R S U S

1. Union of India : Through
The Secretary to the Government
Ministry of Communication
Sanchar Bhawan, New Delhi.
2. The Chairman
Telecom Commission
Sanchar Bhawan,
20, Ashok Road
New Delhi - 110001
3. The Assistant Director General (STG)
Department of Telecommunications,
20, Ashok Road,
New Delhi - 110001.

...Respondents.

(None present)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

In this application, which has been filed by four applicants, they have sought a direction to the respondents to assign them correct seniority in the Telecom Engineering Services Gr. "B" (in short TES

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Gr. 'B') in terms of the relevant judgements they have relied upon and referred to in the OA and for further directions to follow the relevant Recruitment Rules strictly, regarding preparation of the eligibility list for promotion to the grade of TES Gr. 'B' in accordance with the order of the Apex Court. These orders have been prayed for with reference to the combined qualifying examination held by the Department.

(7)

2. We note that this OA has been filed as far back as 19-8-98 and notices were issued to the respondents to file reply by Tribunal's order dated 21-8-98. Thereafter it is noticed that counsel on behalf of the respondents has appeared and sought time to file the counter affidavit but it is unfortunate that even till date he has not done so. On 16-9-99, in the presence of learned counsel for the respondents, last opportunity of four weeks to file reply was given, failing which pleadings were to be treated as complete. When the case has been taken up for final hearing today, none has appeared for the parties and no counter affidavit on behalf of the respondents to the various averments made by the applicants is also available on record.

3. On 30-1-2001, when none had appeared for the applicants even on the second call, Shri V.S.R.Krishna, learned counsel for the respondents had informed the Court that the applicants' counsel had told him that their prayers are fully covered by a recent judgement of the Hon'ble Supreme Court. Learned counsel for the respondents had sought a short

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adjournment to ascertain the position and seek instructions from the respondents. Unfortunately, neither the name of the case nor the reference of the Supreme Court's decision is given and since neither of the parties are present, we have no ~~any~~ assistance in this matter to examine the issue i.e. whether the applicants' claims are covered or are not covered by the recent judgement of the Supreme Court. We are also not aware whether the applicants themselves have submitted a copy of the judgement of the Supreme Court for consideration to the respondents, which perhaps is the reason for their absence today.

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4. In the above facts and circumstances of the case, the OA is disposed of as follows :-

(i) The applicants may, if they so desire submit a self-contained representation, giving complete reference to the relevant judgements they rely upon, to the respondents within one month from the date of the receipt of the copy of this order;

(ii) On receipt of the aforesaid representation, the respondents shall examine the claims in accordance with law, rules and regulations and dispose of the same by a reasoned and speaking order within two months thereafter with intimation to the applicants. No order as to costs.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

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