

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP.No.150 of 1996 in OA.No.1872 of 1995

and

CP.No.151 of 1996 in OA.No.1861 of 1995

Dated New Delhi, this 6th day of August, 1996.

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR K. MUTHUKUMAR, MEMBER (A)

CP.No.150/96

S. K. Tyagi
S/o Shri Satya Pal Tyagi
Technician, Telephone Exchange
Nai Mandi, Muzaffar Nagar
UTTAR PRADESH ... Petitioner

By Advocate: Shri K. P. S. Rao

versus

1. Shri M. P. Modi
Chairman/Secretary
Telecom Commission
Sanchar Bhawan
1 Ashoka Road
NEW DELHI.
2. Shri M. A. Chowdppa
CGMT, U.P. Circle (West)
Patel Nagar
Dehradun
UTTAR PRADESH. ... Respondents

By Advocate: Shri M. M. Sudan

CP.No.151/96

S. K. Varshney
S/o Late Shri Saligram Gupta
Technician, Switch Room
S.D.E. Telephones
Telephone Exchange
Aligarh
UTTAR PRADESH. ... Petitioner

By Advocate: Shri K. P. S. Rao

versus

1. Shri S. P. Modi
Chairman/Secretary
Telecom Commission
Sanchar Bhawan
1 Ashoka Road
NEW DELHI.
2. Shri M. A. Chowdppa
CGMT, U.P. Circle (West)
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UTTAR PRADESH. ... Respondents

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Contd.2

O R D E R (Oral)

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Hon'ble Mr K. Muthukumar, M(A)

In these CPs the petitioners allege non-compliance and disobedience of the directions contained in the order of the Tribunal dated 27.2.1996 in OAs No.1872/95 and No.1861/95 which were disposed of by a common order. The direction in the aforesaid OAs were as follows:-

"5. However, we dispose of the OA with a direction to the respondents to consider the relief set out by the applicant in paragraph 8(a) of his OA and pass a detailed, speaking and reasoned order, in accordance with law under intimation to the applicants within two months from the date of receipt of a copy of this order.

6. In the event that the respondents find that the applicants are not eligible to be considered for the posts in question, they will specifically indicate the reasons for their decision."

2. The learned counsel for the petitioners allege that the respondents have not complied with the order within the stipulated time schedule as directed by the Tribunal and have also not issued the order stated to have been passed in this behalf by a speaking and reasoned order. The said order was passed on 14.5.1996. (Annexure R-4).

Contd.3

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3. The learned counsel for the respondents submits that the aforesaid order was passed on 14.5.1996 in compliance with the directions of the Tribunal and, therefore, the said order was addressed to the petitioners through their immediate superior authorities with direct copies to the them also. He further submits that on receipt of the CPs another intimation was sent by the concerned officers.

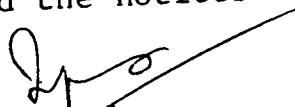
4. We have seen the order passed on 14.5.1996 by the respondents which is annexed to the counter reply to the CPs as Annexure R-4. The said order was addressed to the applicants in the OAs viz. Suresh Kumar Tyagi through T. D. M. Muzaffarnagar and Santosh Kumar Varshney through T.D.M. Aligarh. There is an intimation to the effect that copies of the above orders have been sent directly to the officials concerned. In the aforesaid order it has been stated as follows:-

"In this regard it is to intimate you that your case for direct WALK-IN to J.T.O. cadre has been examined by Chief General Manager Telecommunication in this office.

It has been observed that as per DOT order No.27-2/94-TE-II dated 18-4-94 only PI/RSA/WO/AEA cadre are eligible for consideration in WALK-IN-GROUP and hence it is not possible to allow you for JTO (by direct walk-in to this cadre) even after MSC/BE qualified. Hence representation is rejected."

Contd.4

5. Having considered the nature of the order passed and also taking ~~into~~ note ~~of~~ of the submissions of the learned counsel for the respondents, we are of the considered view that the order passed by the respondents dated 14.5.1996 is a speaking order and is in full compliance of the directions contained in the order of the Tribunal in the aforesaid OAs and, therefore, we do not consider it necessary to proceed further in the matter as no case for contempt has been made out. The CPs are dismissed and the notices discharged.


(K. Muthukumar)
Member(A)


(Mrs. Lakshmi Swaminathan)
Member(J)

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