

(726)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 347/2001 in
OA 588/2000

New Delhi this the 30th day of January, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (A)
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri B.M. Dhyani,
C/O Shri B.M. Dhyani
R/O B-194, Brij Vihar,
Ghaziabad (UP)

..Petitioner

(By Advocate Mrs. Rani Chhabbra,
learned counsel through proxy
counsel Ms. Meenakshi)

VERSUS

1. Shri Shyamal Ghosh
Chairman, Department of
Telecommunication, Sanchar
Bhawan, New Delhi.

2. Dr. D.P.S. Seth,
CMD, Bhartiya Sanchar Nigam Ltd.,
Sanchar Bhawan, New Delhi.

3. Shri Ashok Kumar
Chief General Manager, U.P.
Telecom West, Windlas Complex,
Dehradun.

4. Shri S.P. Kalsi,
Chief General Manager,
U.P. East Telecom. Circle,
Lucknow.

5. Shri Alok Agarwal,
General Manager Telecom
A-23, Jaina Tower Ghaziabad.

..Respondents

(By Advocate Shri M.M. Sudan)

O R D E R (ORAL)

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

We have heard both the learned counsel in detail
with regard to CP 347/2001.

2. Learned proxy counsel for the petitioner has

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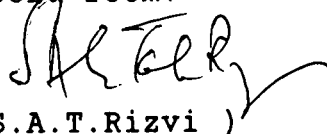
fairly submitted that at least after the CP was filed, the respondents have complied with the Tribunal's order dated 10.1.2001 in OA 588/2000 by declaring the results of the two examinations in question (Annexures R-VII and R-VIII to compliance affidavit filed on 19.9.2001). We note from the reply filed by the respondents that while the applicant was declared for appointment as RSA, he had not qualified for appointment as JTO as per the aforesaid results of the examinations he had taken earlier. Shri M.M.Sudan, learned senior counsel has submitted that in pursuance of the declaration of the results, the petitioner has been sent for training of RSA by order dated 28.11.2001. Ms. Meenakshi, learned proxy counsel for the petitioner, however, submits that as in this letter nothing is mentioned about the consequential benefits, the applicant would be entitled to the same on his promotion as RSA.


3. We find force in the submissions made by Shri M.M.Sudan, learned senior counsel that the consequential benefits flowing from the training as RSA will arise after successful completion of the training and not otherwise. In the facts and circumstances of the case, we find that the respondents have substantially complied with the directions contained in the Tribunal's order dated 10.1.2001 and there is no good ground to continue with the C.P. We, however, find force in the submissions made by the

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learned proxy counsel for the petitioner that after due successful training of the petitioner as RSA is completed, consequential orders, thereafter, should be passed by the respondents within two months, with intimation to the petitioner.

4. In the light of what has been stated above, CP347/2001 is dismissed. Notices to the alleged contemnors are discharged. File be consigned to the record room.


(S.A.T. Rizvi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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