

16

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

---

OA.No.2579 of 1991

Dated New Delhi, this 19th day of August, 1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN(J)  
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Y. P. Sharma  
S/o Late Shri Ram Lal Sharma  
C/o Shri M. L. Chawla, Advocate  
C-4E/127 Janakpuri  
NEW DELHI-110038. ....Applicant

By Advocate: Shri M. L. Chawla

versus

1. Union of India  
Through  
The Secretary to the  
Government of India  
Ministry of Communication  
Sanchar Bhawan, Ashoka Road  
NEW DELHI-110001.
2. The Director General  
Department of Telecommunication  
Sanchar Bhawan  
Ashoka Road  
NEW DELHI-110001.
3. The Telecom Commission  
Through  
The Chairman  
Department of Telecommunication  
Sanchar Bhawan  
Ashoka Road  
NEW DELHI.
4. The Chief General Manager  
Telecommunication  
U.P. Circle  
LUCKNOW. ....Respondents

By Advocate: None.

O R D E R (ORAL)

Dr Jose P. Vergheese, VC(J)

This case has been adjourned sine die  
on the basis of the statement made by the  
counsel for the applicant that in a similar case  
SLP has been filed in the Hon'ble Supreme Court

against the judgement dated 9.6.92 of the Ernakulam Bench of the Tribunal in OA.1510/91 and it was stated that the Supreme Court had directed that all the Benches of the Tribunal shall stay the hearing of similar matters till the decision in SLP is taken. A copy of the the order of the Supreme Court is not on file. This case has been adjourned on the basis of the said statement. Since the matter has been pending since 1991, we take it that the stay of the hearing was only to mean that the granting or rejection of the relief sought by the applicant cannot be done until the Supreme Court decides the case. It is not known what is the order of the Supreme Court and whether the SLP referred in this order is filed, allowed or dismissed. In the circumstances, we pass the following orders:-


(1) The applicant shall be given all the reliefs as sought in this application in case the similar matter pending in the Supreme Court which is stated to be pending, is allowed and if the same applies to the facts and circumstances of this case.

(2) The applicant is at liberty to bring the fact of the decision of the Supreme court to the notice of the respondents and in case the relief is not given to the applicant according to the said decision the applicant is at liberty to revive this OA by filing a Miscellaneous Application for the purpose. Since it is <sup>not</sup> uncommon



that the applicant may not be always in the knowledge of whehter the SLP filed in the Supreme Court is disposed of in the connected matters, but the respondents herein being common both in the present case as well as the case pending in the Supreme Court, should assume the responsibility of informing the applicant as and when the said cases are finalised and the liability would be on the competent authority and the disciplinary authority to intimate the applicant in due course the fact of the decision whether it is in his favour or not. In case it is found that the decision of the Supreme Court is in his favour and the appropriate authority has not intimated the applicant, the applicant will be entitled to the loss which might have caused due to the delay.

With the above observations and directions, the OA is disposed of. No order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Dr Jose P. Verghese)  
Vice Chairman(J)