

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

Original Application No. 714 of 2002

ALLAHABAD THIS THE 26<sup>th</sup> DAY OF SEPTEMBER 2008.

**Hon'ble Mr. Justice A.K. Yog, Member (J)**

Virendra Singh S/o Shiv Ram Singh, Presently residing at  
1/261 Suhag Nagar, District- Firozabad, Permanent resident of  
Village Nagthari, Post-Jasmai, District Mainpuri.

.....Applicant

By Advocate: Shri Arvind Kumar/Shri Satyajeet Mukherjee  
Versus

1. Union of India through Chief General Manager,  
Telecom, Dehradun.
2. General Manager, Telecom Agra, Department of  
Telecommunications.
3. Assistant General Manager (Administration) Agra.
4. Divisional Engineer Phones (Planning) Agra.
5. Divisional Engineer Phones (First) Firozabad.
6. Administrative Officer (S & E) Telecom, District  
Manager, Agra.
7. Shri R.S. Agarwal, the then Recruiting Officer  
(Firozabad), Retired from the post of A.G.M (Admn.)  
Agra, Presently residing at 1/3 Nagaria Eidgah,  
Katghar, Namnar, Agra.

.....Respondents

By Advocate: Shri D.S. Shukla

**ORDER**

Delivered by Justice A.K. Yog, Member (J)

Heard Shri Satyajeet Mukherjee, Advocate, learned  
counsel for the applicant and Shri D.S. Shukla, Advocate,  
learned counsel for the respondents.

2. Applicant by means of present O.A. sought following  
relief(s):-

- "(i) Issue a writ order or direction in the nature of  
certiorari quashing the order dated 22.4.1987  
(which was never served to the applicant) and order  
dated 29.4.1987 (Annexure NO.7) to this Original
- [Signature]*

Application, in so far as it intends to cancel the order of regularization dated 22.9.86.

- (ii) Issue a writ order or direction in the nature of Certiorari quashing the order dated 28.4.98 (Annexure No.11 to this Original Application) in so far as it intends to reinstate the application on temporary basis without paying backwages and other consequential benefits.
- (iii) Issue a writ order or direction in the nature of certiorari quashing the affidavit, dated 20.4.1998 (Annexure NO.10 to this O.A.) which is voidable in view of the provisions of Section 19 and 19A of the Indian Contract Act, 1872.
- (iv) Issue a writ order or direction in the nature of certiorari quashing the chargesheet dated 8.4.2002 (Annexure No. 14 to the O.A.)
- (v) Issue a writ order or direction in the nature of mandamus commanding the respondents not to initiate any departmental or any inquiry in pursuance of the chargesheet dated 8.4.2002 and to close this case finally.
- (vi) Issue a writ, order or direction in the nature of mandamus commanding the respondents to treat the applicant as regular T.O.A w.e.f. 22.9.86 and grant him the entire backwages w.e.f. 22.4.1987 till 28.4.98 and also regular promotion so that he may get the scale of Accounts Officer (Rs. 6500/-), which is being enjoyed by him juniors.
- (vii) Any other suitable order or direction, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- (viii) Award cost of this original application".

3. Learned counsel for the respondents draws notice to the fact of filing of Civil Misc. Writ Petition NO.7905/07- Virendra Singh Vs. The Vice-Chairman, Central Administrative Tribunal, Allahabad Bench, Allahabad and the Judgment and Order passed thereto. Relevant extract of High Court order reads:

".....We further request the learned Tribunal to decide the Original Application No. 714 of 2002, in accordance with law, at the earliest possible. This order is being passed with a specific stipulation that the learned counsel for the applicant shall not seek any further adjournment and further that the interim order which was granted earlier shall not continue in operation. With the aforesaid observations, the present writ petition is disposed of finally.

08.02.2008

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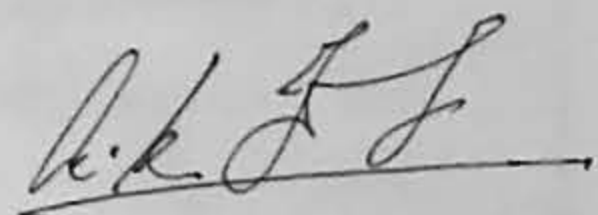


4. Learned counsel for the applicant has placed copy of letter dated 18.9.2008 to show that disciplinary proceedings against him applicant are going on against the applicant.

5. In view of above, I find no good ground to interfere with said disciplinary enquiry or grant any of the relief contained in the O.A.

6. O.A. stands disposed of without entering into issue raised in the O.A. and I further direct concerned Authority to conclude disciplinary enquiry as expeditiously as possible preferably within 4 months and Authorities may pass order without being influenced the order made in the O.A.

7. No order as to costs.

  
(Justice A.K. Yog)  
Member (J)

Manish/-