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of Increment

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No./46/93

~~LA No.~~

DATE OF DECISION 27th January, 1993.

Ambalal Trikamdas Patel

Petitioner

Mr.Y.V.Shah

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondent

Mr.Akil Kureshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan

Vice Chairman

The Hon'ble Mr. R.C.Bhatt

Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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Ambalal Trikamdas Patel,
Hindu :- Inhabitant,
Telecom Lineman,
Formerly of Godhra, Now At :- Limadia,
Telephone Exchange (Tal : Lunavada)
District : Panchmahals at the
c/o ,J.K.Ved,
Hon'ble Secretary, G.W.Union, GL, Rly. Colony,
Po: Godhra-389 001. ...applicant
(Advocate : Mr.Y.V.Shah)

versus

1. Chief General Manager,
Telecom Gujarat Circle,
Ahmedabad-380 009
Representing Union of India,
Ministry of Communications,
2. Telecom District Engineer,
Panchmahals Having Office at Bamroli Road,
Godhra-389 001.
3. Sub-Divisional Officer,
Telecom, Godhra Sub- Division,
c/o, Auto Exchange, Civil Lines,
Godhra-389 001.respondents

(Advocate : Mr.Akil Kureshi)

O R A L O R D E R

O.A./46/93

Date : 27.1.93

Per : Hon'ble Mr.N.V.Krishnan

Vice Chairman

This application came up before us by

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special mention. Shri Y.V.Shah, advocate for the applicant. Shri Akil Kureshi, advocate for the respondents. Heard.

2. The applicant is aggrieved by the order dated 07.2.92, Annexure A/1 of the 3rd respondent by which a minor penalty is imposed on him. The applicant has filed an appeal (Annexure A/5) before the second respondent, the Telecom District Engineer Panchmahals on 31.3.92. This has been followed by a representation (Annexure A/9) on 22.12.92. He states that the appeal Annexure A/5 has still not been disposed of.

3. At our request, Shri Akil Kureshi, standing counsel, entered appearance for the respondents. A copy of the application has been given to him. In the view we are taking in the matter, we do not find it necessary to wait for a formal reply from the ~~x~~ respondents. Therefore, we proceed to dispose of this application finally.

4. Before that is done, we notice that the applicant had also sought, the following reliefs at (ii) and (iii) of para -7 of his application.

(ii) Order dated 10.2.92 of respondent ~~x-3~~ transferring applicant from Godhra to Lunawada by way of penalty be quashed and set aside.

" (iii) The applicant having been deprived of working on his post of telecom lineman from 10.2.92 till be joined duty at Limdia on 11.12.92 be treated as period on duty for all purposes and be ordered to be paid for."

We have heard the learned counsel for the applicant.

His main prayer is against the ~~xxx~~ minor penalty. The reliefs sought in the above extract are totally unconnected with the main relief in para -7 (i). That apart, O.A. 409/92 has already been filed in this regard and it is pending. In the circumstances, this application is admitted only in respect of the relief claimed in item (i) of para-7 i.e. in respect of the minor ~~x~~ penalty imposed on him.

4. The learned counsel for the applicant

seeks an interim order to the respondents not to compel the applicant to vacate the government quarter until the appeal is finally decided. We notice that the minor penalty has nothing to do with the transfer and vacation of quarter. The applicant is at liberty to seek such an order in O.A. 409/92, if so advised.

5. In reply to our query, the learned counsel for the applicant stated that he would be satisfied if a direction is issued to the respondents to dispose of the pending appeal within a *specified period*.

The learned counsel for the respondents ~~who~~ has no objection.

6. In the circumstances, we dispose of this application finally by directing the second respondent to consider the appeal at Annexure A/5 and dispose it ~~is~~ ⁱⁿ accordance with law, if not already done, within a period of 2 months from the date of receipt of this order under ~~the~~ intimation to the applicant and in case, the appeal ~~has~~ already been disposed of, he is directed to serve a copy ~~on~~ of the appellate order on the applicant.

7. The application is disposed of as above.

Neeru
(R.C.Bhatt)
Member (J)

N.V.Krishnan
27.1.73
(N.V.Krishnan)
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Application No. CA/46/93 of 199

Transfer Application No. _____ Old Writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated : 10/3/93.

Counter-signed :

Abhay Patel/16/3/93

Section Officer/Court Officer

K. C. Wagan
Sign. of the Dealing Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

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UF 19

NAME OF THE PARTIES

Shri. R.T. Patel,

VERSUS

U. S. J. 6 085

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