

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

C.P.8/98 in

O.A.NO./676/93

T.A.NO.

DATE OF DECISION 19/8/98

Ashokbhai B.Baraiya

Petitioner

Mr.D.K.Mehta

Advocate for the Petitioner [s]

Versus

Union of India & ors.

Respondent

Mrs.P.Safaya

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.RADHAKRISHNAN

::: MEMBER (A)

The Hon'ble Mr. P.C.KANNAN

::: MEMBER (J)

JUDGMENT

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

Ashokbhai B. Baraiya

Yadav Niwas,  
B/H Id Masjid,  
Subhashpara-2,  
Jamnagar

: APPLICANT :

ADVOCATE MR. D. K. MEHTA

VERSUS

- 1 ) Union of India, Through :  
The Director General,  
Posts and Telegraphs Department,  
Ministry of Communication,  
New Delhi.
- 2 ) Shri S.C. Joshi or his  
successor in office,  
General Manager,  
Telecom District,  
having his office at Diamond Market,  
3rd floor,  
Jamnagar.
- 3 ) Shri C.G. Kaneria or his  
successor in office,  
Sub Divisional Officer of  
Telegraphs, Khambhalia,  
Telephone Exchange,  
Khambhalia,  
Dist- Jamnagar.

: RESPONDENTS :

ADVOCATE MRS. P. SAFAYA

ORAL ORDER

C.P. No. 8/98 in

O.A. 676/93

DATE: 19/8/98

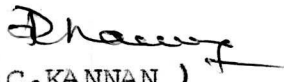
PER HON'BLE MR.V.RADHAKRISHNAN


MEMBER (A)

In this contempt petition, the applicant has the following grievance; namely that the directions of this Tribunal issued by the order dated 17/1/94 have not been complied with regarding regularisation of the applicant, as per the scheme framed by the Department. The respondents have stated in their reply that the applicant has been granted temporary status w.e.f. 28/2/95. The applicant would become due for regularisation as Mazdoor after completion of 10 yrs-service. Mr.Mehta for the applicant states that the Tribunal in its judgment dated 17/1/94 had declared the termination of employment of the applicant as null and void and accordingly even if break is there in their service from the date of termination to the date of reinstatement in service is to be treated as continuous with all consequential benefits including the regularisation of service. During the

discussion at the Bar, it appears that the respondents have still some doubt regarding the treatment of break in service of the applicant from the date of termination to the date of reinstatement. In view of the clear order of the Tribunal dated 17/1/94, there is no reason to have such doubt, and , the respondents are directed to treat the entire period in service as continuous as per the order of the Tribunal for the purpose of regularisation. Mrs.Safaya, on instructions from the department, states that the case of the applicant is

under consideration by the authorities as the DPC for the applicant, along for the others was held on 12/7/94 and under reference to the higher authorities since March 1997. As ~~more~~ <sup>one</sup> and a half year is over, since then, and no decision has been taken, the respondents are directed to take necessary action to implement the judgment dated 17/1/94 within a period of 3 months from the date of receipt of a copy of this order. In light of the above directions, the C.P. stands disposed of. Notice discharged.

  
( P.C.KANNAN )  
MEMBER (J)

  
( V.RADHAKRISHNAN )  
MEMBER (A)

\*SSN....

DATE

OFFICE REPORT MA/773/98 in CA/8/98 ORDER

24-11-98

Note issued  
on 1-12-98  
K.P.M. received  
on 10-12-98

Issue notice on MA/773/98  
returnable on 11-12-98.

*DK*

(P.C. Kannan)  
Member (J)

*VR*

(V. Radhakrishnan)  
Member (A)

pt

11-12-98

As the learned Member of  
the Bench is not available,  
the matter is adjourned  
to.....

16/12/98  
*E. Ghosh*  
CJI

DATE

OFFICE REPORT

ORDER

MA/773/98 in CA/8/98

24-11-98

Issue notice on MA/773/98  
returnable on 11-12-98.

(P.C. Kannan)  
Member (J)

(V. Radhakrishnan)  
Member (A)

pt

11-12-98

As the learned Member of  
the Bench is not available,  
the matter is adjourned  
to

16/12/98

DATE

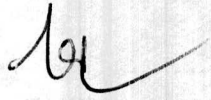
OFFICE REPORT

O R D E R

16-12-98

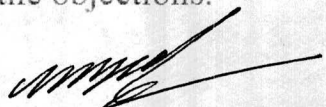
Mr. D.K. Mehta for the applicant and Mr. Ravani for the respondents are present.

MA/773/98 :- M.A. for extension of <sup>time</sup> is allowed. Extension of time as prayed for is granted upto 10-1-1999. However, it is made clear that no further time will be given. M.A. disposed of accordingly.

  
(V. Radhakrishnan)  
Member (A)

pt

Today the case was taken on board. Neither the applicant nor his counsel is present. Though the objections raised by the office were notified on 3.2.99 and the learned advocate Mr. Ravani was called upon to remove the objections within 21 days but as he failed to remove the objections, the matter was adjourned from time to time but till date the learned advocate Mr. Ravani has neither removed the objections nor has contested the same as required under rule 17 of C.A.T. Practice Rule. Still, however in the interest of justice, the matter is adjourned to 6.4.99 for removing the objections.

  
[A.S.SAIYED]  
Registrar

Ssn

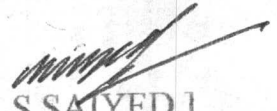
12/13/99

OFFICE REPORT

J R D E R

614/99

Today the matter was taken on-board. Neither the applicant nor his counsel is present. Though the objections raised by the office were notified on 3.2.99 and the learned advocate Mr. Ravani was called upon to remove the objections within 21 days but the learned advocate Mr. Ravani having been failed to remove the objections within the stipulated period, the matter was placed before the under signed on 12.3.99 but on 12.3.99 as neither the applicant nor his advocate appeared before the under signed, the matter was adjourned for today. Here it is pertinent to note that the applicant of original application No. 676/93 had filed the application challenging his termination and the hon'ble bench of this tribunal by order dated 17.1.94 was pleased to direct the original respondents to reinstate the applicant within 7 days but as the original respondents failed to implement the order passed by this hon'ble tribunal in original application No. 676/93, the original applicant had filed the C.A. No. 8/98 in this tribunal, which was also finally heard and decided by this tribunal on 19.8.98 and the hon'ble tribunal was pleased to direct the present applicant [ original respondents ] to implement the order dated 17.1.94 passed by this tribunal in original application No. 676/93 within 3 months from the date of receipt of a copy of the order passed in C.A. 8/98, but again the present applicant failed to implement the order passed by this hon'ble tribunal, and hence has filed the present application on 3.2.99 for extension of time for implementing the order passed in C.A. 8/98 and though the objections raised by the office were notified on 3.2.99. but till date the present applicant has not taken care to remove the office objections and thus considering the total conduct and the back ground of the applicant, it appears that the applicant is interested in only passing the time and not interested in implementing and executing the order passed by this tribunal. In the result under sub clause 4 of Rule 5 of C.A.T. Procedure Rules, the registration is declined and the matter is ordered to be placed before the hon'ble bench for further necessary orders on 12.4.99.

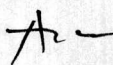
  
 [ A.S.SAIYED ]  
 Registrar

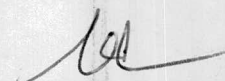


DATE	OFFICE REPORT	ORDER
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12.4.99

Last chance is given to the applicant for removing the office objection. Adjourned to 14.5.99.

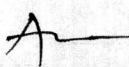
  
(A.S.Sanghavi)  
Member(J)

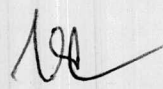
  
(V.Radhakrishnan)  
Member(A)

nkk

14.5.99

Mr.Mehta counsle for the applicant is not present. Extension fof time asked for has already ~~been~~ <sup>which has</sup> expired. Regular number may be given to this M.A ~~and~~ become infructuous and disposed of.

  
(A.S.Sanghavi)  
Member (J)

  
(V.Radhakrishnan)  
Member(A)

nkk

DATE	OFFICE REPORT	ORDER
12.4.99		<p>Last chance is given to the applicant for removing the office objection. Adjourned to 14.5.99.</p> <p>(A.S.Sanghavi) Member(J)</p> <p>(V.Radhakrishnan) Member(A)</p> <p>nkk</p>
14.5.99		<p>Mr.Mehta counsle for the applicant is not present. Extension fof time asked for has already been expired. Regular number may be given to this M.A and become infructuous and disposed of.</p> <p>(A.S.Sanghavi) Member(J)</p> <p>(V.Radhakrishnan) Member(A)</p> <p>nkk</p>