

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

C.P./9/98 in
O.A.NO. /675/93
~~P.A.NO.~~

DATE OF DECISION 19/8/98

Hasmukh 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 Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Hasmukh 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 & Telegraphs Department,
Ministry of Communication,
New Delhi.
- 2) Shri S.C.Joshi or his
successor in office,
General Manager, Telecom District,
having 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,
District-Jamnagar.

: RESPONDENTS :

ADVOCATE MRS. P. SAFAYA

ORAL ORDER

CP. No. 9/98 in
OA. No. 675/93

=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 years 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 the service 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 ~~xx~~ to the higher authorities since March 1 1997. As more and a half year is over, since then, and no decision has been taken, the respondents are directed to take necessary action ~~xxx~~ to implement the judgment dt. 17/1/94 within a period of 3 months from the date of receipt of a copy of this order. In ^{the} light of the above direction, the C.P. stands disposed of. Notice discharged.

P.C.Kannan

(P.C.KANNAN)
MEMBER (J)

V.R

(V.RADHAKRISHNAN)
MEMBER (A)

*SSN.....

DATA

OFFICE REPORT

MA/774/98 in CA/9/98
ORDER

24-11-98

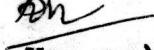
Notice issued
on 1-12-98
K.R.D award
On 10-12-98

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

16/12/98


P.C. Kannan
Cost

Issue notice on MA/774/98
returnable on 11-12-98.


(P.C. Kannan)
Member (J)


(V. Radhakrishnan)
Member (A)

pt

11-12-98

DATE

OFFICE REPORT

MA/774/98 in CA/9/98

ORDER

2- 11-98

Issue notice on MA/774/98
returnable on 11-12-98.

(P.C. Kannan)
Member (J)

(V.Radhakrishnan)
Member (A)

pt

11/12/98
The session is adjourned
the matter is adjourned
to.....

16/12/98

....., Note is
....., it is allowed, therefore
....., destroyed file is required note
....., therefore it is not clear
....., and will be given
....., disposed of accordingly

DATE	OFFICE REPORT	ORDER
16-12-98		<p>Mr. D.K. Mehta for the applicant and Mr. Ravani for the respondents are present.</p> <p><u>MA/774/98 :-</u> M.A. for extension of time 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.</p> <p style="text-align: right;"><i>[Signature]</i></p> <p style="text-align: right;">(V. Radhakrishnan) Member (A)</p> <p style="text-align: center;">pt</p>
12/13/99		<p>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.</p> <p style="text-align: right;"><i>[Signature]</i></p> <p style="text-align: right;">[A.S.SAIYED] Registrar</p> <p style="text-align: center;">Ssn</p>

DATE	OFFICE REPORT	ORDER
		<p>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.675/93 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. 675/93, the original applicant had filed the C.A.No.9/98 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.675/93 within 3 months from the date of receipt of a copy of the order passed in C.A. 9/98, 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 for extension of time for implementing the order passed in C.A.9/98 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 conduct and the back ground of the applicant it appears that the applicant is interested in only the time and not interested in implementing the order passed by this tribunal. As a result under sub clause 4 of Rule 10 of the Tribunal Procedure Rules, the registration is discontinued. The matter is ordered to be placed before the learned advocate on 12.4.99 for further necessary orders on 12.4.99.</p> <p style="text-align: right;">[A]</p> <p style="text-align: center;">ssn</p>

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><i>Ar</i> <i>VR</i> (A.S.Sanghavi) (V.Radhakrishnan) Member (J) Member (A)</p> <p>nkk</p>
14.5.99		<p>Mr.Mehta counsel for the applicant is not present. Extension of time asked for has been already expired. Regular number may be given to this M.A ^{Whidbey} and become infructuous and disposed of.</p> <p><i>Ar</i> <i>VR</i> (A.S.Sanghavi) (V.Radhakrishnan) Member (J) Member (A)</p> <p>nkk</p>

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 counsel for the applicant is not present. Extension of time asked for has been already expired. Regular number may be given to this M.A and become inffectuous and disposed of.</p> <p>(A.S.Sanghavi) Member (J)</p> <p>(V.Radhakrishnan) Member (A)</p> <p>nkk</p>