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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH : CUTTACK.

Original Application No. 250 of 1988

Date of decision 27th November 1989

1. Gokulananda Mohanty, aged about 43 years
Haribandhu Mohanty of Samantasahi, P.O.
Cuttack-1 town and Dist. Cuttack at present
working as Telegraphman in Cuttack City
Telegraph Office At/P.O. Cuttack-753001
Town and Dist. Cuttack.

..... Applicant

-Versus-

1. Union of India represented through its
Secretary to Govt. of India, Ministry of
Communication, At-Central Secretariat,
P.O. New Delhi-110001.

2. Member (Administration),
Western Telegraph Board,
At-Telegraph Board, Building,
Parliament Street, New Delhi-110001.

3. General Manager, Telecommunication, Orissa,
At/P.O. Bhubaneswar, Dist. Puri (Orissa)

4. Senior Superintendent of Telegraphs,
Traffic Division, At/P.O. Bhubaneswar,
Dist. Puri (Orissa).

5. Dhruba Charan Mallick, Zamadar,
Cuttack City Telegraph Office.

.... Respondents

For the Applicant M/s. R. B. Mohapatra,
& N. Jujharsingh

For the Respondents Mr. P. N. Mohapatra, Addl.
Standing Counsel (Central)

1. Whether reporters of local papers may be allowed
to see the judgement ? Yes

2. To be referred to the Reporters or not ? No.

3. Whether Their Lordships wish to see the fair
copy of the Judgement ? Yes

CORAM :

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THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN
AND
THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

N.SENGUPTA, MEMBER (J) In this application the relief sought for is that he should be considered for promotion to the next higher rank i.e. Zamadar with effect from the due date.

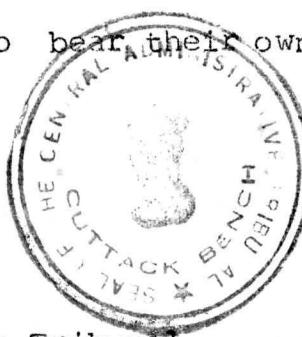
2. It is un-necessary to set out all the facts in detailed, suffice if to say that there was a proceeding against the applicant which ended against him for which the applicant approached the Hon'ble High Court of Orissa which was transferred to this Tribunal being registration No.T.A.No.248/86. This Tribunal set aside the order of dismissal and ordered re-instamemt. This Tribunal found the dismissal of the applicant to be illegal by the judgement dated 28.11.86.

3. Now that this Tribunal found and ordered dismissal to be illegal, it should be deemed non-existenc~~e~~ in the eye of law. Therefore, the case of the applicant for promotion, should be considered when it became ~~normal~~ ^{due}. The case of the applicant for promotion should be considered within 3 months.

Thus, the application is accordingly disposed of leaving the parties to bear ^{their} own costs.

B.R.PATEL, VICE-CHAIRMAN

I agree



Central Administrative Tribunal,
Cuttack Bench, Cuttack
27th November, 1989/Mohapatra

N.Sengupta 27.11.89

MEMBER (JUDICIAL)

B.R.Patel 27.11.89

VICE-CHAIRMAN