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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK .

Original Application No. 236 of 1989

Date of decision : 25th May, 1989

1. All India Telecom Ministerial Staff Union represented by its General Secretary, Sri Jalandhar Palatasingh, Office of the Telecom District Engineer, At/P.O. Bhubaneswar Dist. Puri.
2. Jalandhar Palatasingh, aged about 40 years, son of Lingaraj Palatasingh, Section Supervisor (O) Office of the Telecom District Engineer, At/P.O. Bhubaneswar, Dist. Puri.

..... Applicants

-Versus-

1. Union of India, represented by its Secretary, Department of Telecommunications, New Delhi.
2. Director General, Telecommunications, New Delhi
3. Chief General Manager, Telecommunications, At/P.O. Bhubaneswar, Dist. Puri
4. Telecom District Engineer, At/P.O. Bhubaneswar, Dist. Puri.

..... Respondents

For the applicants M/s. Deepak Misra, R.N. Naik
A. Deo, & B.S. Tripathy,
Advocates.

For the Respondents ... Mr. A.B. Misra, Senior Standing
Counsel (Central)

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN
AND
THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the Judgment ? Yes

:- JUDGMENT :-

P. ACHARYA, MEMBER (JUDICIAAL) In this application under section 19 of the Administrative Tribunal's Act, 1985 the petitioner prays to pass appropriate orders directing the Opposite party No. 2 to determine as to which side all these employees, belong to whether administrative side or operative side.

2. Petitioner no. 1 represents the All India Telecom Ministerial Staff Union being it's General Secretary. Shortly stated, the case of the petitioner is that the Petitioner is a clerical staff, i.e. Telecom Office Assistants, Section Supervisors (Operative) Section Supervisors (Supervisory) Senior Section Officer etc. According to Petitioner all these members of the Staff working in different offices do not fall in the category 'Operative' or 'technical' but the Department has categorized them differently at different times. This is contrary to the direction contained in the letter of the D.G. and P.T. bearing No. 1-20/74PE-II dated 23rd March, 1974. In this connection, a representation is pending for consideration by the Director General Telecommunication, New Delhi to clarify exactly the category to which the members of the Office Staff belong. Since the representation has not been disposed of, prayer has been made in this application for appropriate direction to be issued to O.P. No. 2 for disposal of the representation.

3. We have heard Mr. R.N. Naik, learned Counsel for the Petitioner and Mr. A.B. Misra, Senior Standing Counsel (Central) at some length. We would direct that the

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Opposite Party No.2 i.e. Director General Telecommunication New Delhi may dispose of the representation within 3 months from the date of receipt of a copy of this judgment. Copy of the representation forms subject matter of Annexure-1. While despatching a copy of the judgment to the O.P.No.2, Copy of the Annexure-1 be also be annexed thereto for ready reference of the Opposite Party.

4. We hope O.P.No.2-Director General Telecommunication while disposing of the representation would pass a reasoned order so that it would be subject matter of judicial Review, if in future necessity arises.

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

by ass. orgs.
25/5/89.
***** MEMBER (JUDICIAL) *****

R. PATEL, VICE-CHAIRMAN

I agree.

Ramkrishna
25.5.89
***** VICE-CHAIRMAN *****

Central Administrative Tribunal
Cuttack Bench, Cuttack
25th May, 1989/Mohapatra

