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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

....

Original Application No. 103 of 1991

Date of decision : 11, April, 1991

Jugal Kishore Samal ... Applicant

Versus

Union of India & Others ... Respondents

M/s.Devanand Mishra
Deepak Mishra, ... For applicant
R.N.Naik, A.Deo,
B.S.Tripathy,
P. Panda, Advocates

M/s.P.N. Mahapatra, ... For respondents
Addl.Standing Counsel
(Central)

C O R A M

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, 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 judgement ? Yes
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J U D G M E N T

N.SENGUPTA, MEMBER (J), with the consent of the counsel for the parties and in view of the fact that the matter is simple in nature heard.Mr. Naik, learned Counsel for the applicant who has referred to the order of the General Manager, Tele Communication, Orissa Circle, Vide Annexure-1 and

*Mr. Sen
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and Annexure-3. In the two orders the applicant has been retained at Cuttack on humanitarian ground. These orders were passed by the Respondent No.2 i.e. the Chief General Manager, Tele Communication. By the order at Annexure-6 dated 22.3.91, which has been passed by the respondent No.3, but communicated by Respondent No.5, the applicant is straightaway relieved and struck off from the strength of Asstt. Engineer, Tele Com. Circle, Cuttack with effect from the after-noon of 22.3.91 with instructions to report for duty to the Telecom District Manager, Balasore. Mr. Naik pleaded that the District Tel. Com. Manager, Cuttack has no authority to pass such an order as the original order of retaining the applicant at Cuttack was passed by CGMT, Orissa, particularly when there was a condition in this order that on expiry of the period the matter would be reviewed by them. Mr. Mahapatra learned Addl. Standing Counsel (Central) for the respondents on the other hand, contended that on expiry of the period the extension of the order of retention of the applicant at Cuttack automatically ends and the TDM has the power to issue the orders at Annexure-C. After having heard the counsel for the parties at the Bar and having gone through the records, we have come to the conclusion that it would be just to place the matter before the CMG, Telecom. Orissa Circle for his final orders as the original orders were passed by him. The applicant will be retained at Cuttack till the final

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orders passed by the CGMT, if he is not relieved in the mean time. The order at Annexure-6 will not be given effect till the final orders are passed by the Chief General Manager Telecom Orissa Circle. The case is accordingly disposed of. No costs.

[Signature] 11.4.91
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MEMBER (JUDICIARY)



[Signature] 11.4.91
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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack
April, 11, 1991/B.K.Sahoo