

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.320 of 2007

Subash Ch. Agarwala Applicant
Versus
Union of India & Others. Respondents

Order dated the 19th April, 2010

C O R A M
THE HON'BLE MR.B.V.RAO, MEMBER (JUDICIAL)
And
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER(ADMIN.)

Applicant is a Sub Divisional Engineer (Civil), working in the office of the Superintending Engineer, Civil, BSNL, Door Sanchar Bhavan, Bhubaneswar. In this Original Application he seeks the following relief:

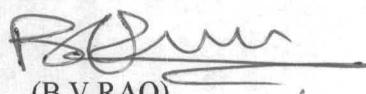
- “(A) To direct the respondents to issue presidential orders of transfer for permanent absorption in BSNL as SDE (Civil) w.e.f. 01.10.2000 onwards as per the Policy of the DOT enjoined in DOT letter dated 08-04-2004;
- (B) To direct the Respondents to allow the applicant to draw IDA pattern scale of pay from 01.10.2000 onwards;
- (C) To direct the Respondents to pay the amount of bonus due to the applicant at par with BSNL employees during the period during which he worked in BSNL;
- (D) To pass such other order(s)/direction(s) as may be deemed fit and proper in the bona fide interest of justice.”

2. Prima facie, it appears that this OA is not maintainable being opposed to the provisions of the A.T. Act, 1985 which provides that one can file an OA containing one prayer or seeking relief consequential to it. By filing counter, the Respondents opposed the contentions raised by the applicant in support of his prayer made in this Original Application on various grounds. But no rejoinder has been filed by the Applicant.

3. By filing copies of the order dated 22nd November, 2007 in OA No. 685 of 2005 (Pradipta Kumar Mohanty v Union of India and others) and the order 06.02.2010 in WP (C) No.10714 of 2008 of the Hon'ble High Court

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of Orissa confirming the order of this Tribunal, at the out set, it has been contended by Learned Counsel for the Applicant that as the grievance of the Applicant is fully covered by the aforesaid orders, the Applicant is entitled to the relief claimed in this OA. But the Learned Counsel for the Respondents submitted that since the applicant filed the aforesaid decision in course of hearing there is no occasion for the Respondents to examine whether the present case is covered by the aforesaid decision of this Tribunal confirmed by the Hon'ble High Court of Orissa. However, Learned Counsel for the Respondents opposed the claim of the applicant in the light of the averments made in the counter. Having heard the Learned Counsel for both sides, perused the materials placed on record vis-à-vis the orders relied on by the Applicant. For the reasons stated above, we are of the considered view that ends of justice would be met if this Original Application is disposed of at this stage with direction to the Respondents to examine the case of the applicant with reference to the orders in the case of Pradipta Kumar Mohanty (supra) and pass appropriate well reasoned order within a period of ninety days from the date of receipt of copy of this order. Ordered accordingly. There shall be no order as to costs.


(B.V.RAO)
MEMBER(JUDL.)


(C.R.MOHAPATRA)
MEMBER (ADMN.)