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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application 216/2009

Date of Order : 13.12.2011

CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)

Ghewar Chand Jain S/o Shri Chintaman Das aged about 63 years, Resident of 11/819, C.H.B., Jodhpur, retired on superannuation from the post of Divisional Engineer, Department of Telecommunication on deputation in B.S.N.L.

.....Applicant.

By Mr. J.K. Mishra, Advocate.

Versus

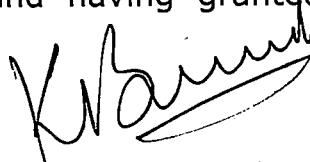
1. Union of India through Secretary to the Government of India, Ministry of Communication and Information Technology, Department of Telecommunications, 421, Sanchar Bhawan, 20 Ashoka Road, New Delhi.
2. Director (Estd.), Department of Telecommunication, Sanchar Bhawan, 20 Ashoka Road, New Delhi.
3. Chief General Manager Telecom, Rajasthan Circle, Sardar Patel Marg, Jaipur.
4. Chairman & Managing Director, BSNL Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi.

..... Respondents

By Mr. B.L.Dhaka for Mr. Vijay Bishnoi, Advocate.

**ORDER (ORAL)
[PER DR. K.B.SURESH,JUDICIAL MEMBER]**

We have heard the matter in detail. It would appear that the sword of Damocles still hangs over the head of the applicant in the C.B.I. Court. After we had carefully gone through all the orders and the documentation, we feel that his right of consideration for absorption has originated at the point at which the applicant had given an indication to that effect. But, still the absorption is squarely within the parameters of consideration of the respondents, even though as a late-dawned wisdom, the CBI case had come in between, and having granted sanction for



prosecution on 8th May, 2005, ~~and~~ the respondents are also not in a position to declare his absorption. Taken in that ~~sense~~ the OA is premature, and that the cause would then revolve around his acquittal or Honourable discharge. Therefore, reserving his right to approach the Tribunal at the appropriate time, after the cause has been satisfied, the O.A. is disposed of, with no order as to costs.



(Sudhir Kumar)
Administrative Member



(Dr. K.B. Suresh)
Judicial Member

jrm