

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No. 602 of 1994

Tuesday this the 26th day of April, 1994

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

N.P.Alikoya,
Baliyapuram,
Telegraphist, Central
Telegraph Office, Kavaratti. ... Applicant

(By Advocate Mr.M.R.Rajendran Nair)

Vs.

1. The Chairman, Telecom Commission
New Delhi.
2. The Chief General Manager
Telecommunications, Kerala Circle
Trivandrum. ... Respondents

(By Advocate Mr. George Joseph, A.C.G.S.C)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks to quash Annexure.A7 order of the second respondent. He claims certain benefits, on the basis of Annexure.A5 order dated 30.12.92. But, relying on an order of this Tribunal in O.A.795/90 dated 26.9.91 second respondent rejected the claim. It is obvious that the order of this Tribunal dated 26.9.91, could not have considered the scope of Annexure.A5 order, which was issued much later. The reason in Annexure.A7 is too transparent to stand scrutiny.

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2. That apart the view taken in O.A.795/90 is that:

"this Tribunal cannot question the administrative wisdom of a committee headed by no less a person than the Chief General Manager."


It is the function of this Tribunal to examine the legality of such decisions within the permissible parameters of judicial review. With great respect, we are unable to subscribe to the view aforementioned.

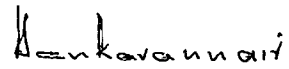
3. Learned counsel for respondents could not support the order and he prayed that an opportunity may be given to respondents to reconsider the matter. We think that the submission is reasonable.

4. We quash Annexure.A7 and direct the second respondent to reconsider the request of the applicant. Applicant is also permitted to file a comprehensive representation within three weeks of today. In that event, a reasoned order will be passed thereon within three months from the date of receipt of such representation.

5. Application is disposed of with the afore-said directions. No costs.

Dated 26th April, 1994.


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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