

**Central Administrative Tribunal,
Lucknow Bench, Lucknow.**

Original Application No.503 of 2009

Reserved on 18.12.2013
Pronounced on 30th January, 2014.

Hon'ble Mr. Navneet Kumar, Member-J
Hon'ble Ms. Jayati Chandra, Member-A

Ravindra Kumar Pandey, aged about 50 years, S/o late Brij Raj Pandey, R/o village Mahimapur, P.S. Dalpatpur, District FaizabadApplicant
By Advocate: Sri A.K. Baledia.

Versus.

1. Bharat Sanchar Nigam Ltd. Sanchar Nigam through its Chairman, New Delhi.
2. Chief Managing Director, BSNL, New Delhi.
3. Chief General Manager Project, New Delhi.
4. Chief General Manager, Telecom, U.P. Circle, Lucknow.
5. Deputy General Manager Administration U.P. East Circle, Lucknow.
6. Divisional Engineer Telecommunication, Vikas Nagar, Lucknow.
7. Director, Telecommunication Project Wing, Lucknow.

.....Respondents

By Advocate: Sri P.K. Awasthi for Sri A.K. Chaturvedi.

O R D E R

Per Ms. Jayati Chandra, Member-A.

The applicant has filed this O.A. under Section 19 of Administrative Tribunals Act, 1985 seeking the following relief(s):-

“8.(i). the Hon'ble Tribunal may be pleased to quash impugned order dated 30.7.2008 in pursuant to the letter M.C./M-2/162/2008 dated 30.7.2008 passed by Opposite party nos. 4 & 5.

(ii) the Hon'ble Tribunal may be pleased to pass the order directing the Opposite parties to pass the order for (Regular Mazdoor) since then the juniors has been regularized on the basis of list dated 2.1.1991 to the applicant & pay the difference of the salary.

(iii) The Hon'ble Tribunal may be pleased to pass the order directing the Opposite parties to provide the salary &

J. Chandra

difference of phone Mechanic to the applicant since juniors has been get and also all services benefits to the applicant, which provide to the juniors.

- (iv) *The Hon'ble Tribunal may be pleased to pass the order directing the opposite parties to provide also the benefit of the judgment/order dated 11th September 2001 passed in O.A. no. 547 of 1994 Ravindra Kumar Pandey Vs. Union of India & Others in which provide seniority since 1994 to the applicant.*
- (v) *Any other order or relief may also be passed in the interest of justice."*

2. At the outset, the respondents have questioned the maintainability of this O.A. in the light of present position of litigation amongst between the parties before Hon'ble High Court.

3. It is seen from the records that the applicant had initially filed O.A. no. 547 of 1994 (Ravindra Kumar Pandey Vs. Union of India & Others) through which he had sought the relief of being treated as temporary Phone Mechanic. The aforesaid O.A. was decided by judgment and order dated 11.9.2001 with certain direction. The applicant had invoked contempt jurisdiction when the judgment and order dated 11.9.2001 was not complied with by filing Contempt Petition No. 94 of 2002, which was dismissed vide judgment and order dated 19.10.2006. Against the order of this Tribunal dated 11.9.2001, the applicant filed Writ petition no. 72 (S/B) of 2003 which is said to be pending. The applicant has also filed Writ petition No. 7683 (S/S) of 2004. The said Writ petition was decided vide judgment and order dated 1.5.2007. Against the judgment and order dated 1.5.2007, the applicant filed Special Appeal no. 481 of 2007 and the same is yet pending. The impugned order has been passed in compliance of the judgment and order passed by Hon'ble High Court in Writ petition No. 7683 (S/S) of 2004, which has been challenged by the applicant by filing Special Appeal No. 481 of 2007 before Hon'ble High Court.

4. Since the order, impugned in the present O.A., has been passed in compliance of the judgment and order passed by Hon'ble High Court in Writ petition No. 7683 (S/S) of 2004, which has now been challenged by the applicant by filing Special Appeal No. 481 of 2007 before Hon'ble High Court and as such at this

J. Chaudhary

stage during the pendency of the controversy it would not appropriate for this Tribunal to enter into any sort of litigation against the impugned order which has been passed in compliance of the orders issued by Hon'ble High Court, which itself is under challenge in Special Appeal No. 481 of 2007.

5. In view of the above, the O.A. is disposed of with liberty to the applicant to revive this O.A. after disposal of Special Appeal pending before Hon'ble High Court if grievance is so persist. No costs.

J. Chandra
(Ms. Jayati Chandra)
Member (A)

Navneet Kumar
(Navneet Kumar)
Member (J)

Girish/-