

(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.678/89

1. Shri Suresh Bhagoji Pawar,
Machine Operator
Shop No.29/3,
Telecom Factory, Deonar,
Bombay - 400 088.

2. Post & Telegraph Mazdoor Union,
Bombay Branch,
8-B, R.V. Sanitorium,
Sion,
Bombay - 400 022.

.. Applicants

vs.

1. General Manager,
Telecom Factory,
Deonar,
Bombay - 400 088.

.. Respondent

Coram: Hon'ble Member(J) Shri M.B. Mujumdar
Hon'ble Member(A) Shri M.Y. Priolkar

Appearances:

1. Applicant No.1
in person.
2. Mr. V.S. Masurkar
Advocate for the
Respondent.

ORAL JUDGMENT

(Per M.B. Mujumdar, Member(J)) Date: 20.12.1989

Heard applicant No.1 Shri S.B. Pawar
in person and Mr. V.S. Masurkar, advocate for the
respondent. The applicants have made the following
prayers in this application;

- "(i) Directing the respondents to
withdraw the Notice No. ES/8-37/89
(2) dated 15.5.1989 or in the
alternate to cancel the said notice
dated 15.5.1989 and/or to declare
that the notice dated 15.5.1989
issued by the personnel officer of
the Respondent is null & void and
the action taken pursuant to said
notice dated 15.5.1989 be treated
as illegal improper and unoperative;
- (ii) Directing the respondents to forthwith
cancel the Trade Test held on 26.7.1989;

- (iii) Directing the respondents to seek the necessary directions from the Central Govt. for fixing the proper grade for new machines to be introduced and to hold the joint discussions with applicants before finalising the said dispute;
- (iv) The respondent ought to have posted the machine shop Operators on the new machines as per seniority with proper grade and pay scale;
- (v) The respondent erred in law in issuing the notice dated 15.5.1989 and further erred in holding the Trade Test on 26.7.1989 and thereby deprived the legitimate right of the senior and qualified employees."

Though there is a sixth prayer it is in the nature of a ground.

2. Mr. Masurkar showed us a notice dated 8.12.89 issued by the Officer (Personnel) Telecom Factory, Bombay. ^{in that order} Note: 1 shows that the notice is in supersession of Trade Test notice dated 15.5.1989. In view of this note prayers No. (i), (ii) and (v) do not survive. We may point out that the date mentioned 26.7.1989 in prayers (ii) and (v) ^{is} are erroneous because the Trade Test was held on 25.7.1989 and not on 26.7.1989

3. Prayers (iii) and (iv) are the subject matter of previous O.A. 23/89 filed by the same applicant No. 2 Union. O.A. 23/89 is admitted and is still pending. Hence we are not inclined to admit the present O.A. 678/89. It is rejected summarily with no order as to costs.

(M.Y. PRIOLKAR)
Member(A)

(M.B. MUJUMDAR)
Member(J)