

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 554/96.

Dated this Thursday, the 6th day of September, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri Kuldip Singh, Member (J).

Rajendra Singh,
Sub-Divisional Engineer,
O/o. the Divnl. Engineer,
Marol-III (E-10 B),
Marol Telephone Exchange,
M.T.N.L., Mumbai.

...

Applicant.

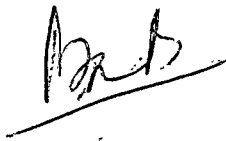
(By Advocate Shri P.A. Prabhakaran)

VERSUS

1. Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Mumbai Telephone House,
V.S. Marg, Prabhadevi,
Dadar (W),
Mumbai - 400 028.
2. General Manager (Administration),
Mahanagar Telephone Nigam,
Telephone House,
V.S. Marg, Prabhadevi,
Dadar (W), Mumbai - 400 028.
3. Accounts Officer (Works W-II),
O/o. the General Manager (W-II)
Zone, Goregaon Telephone Exchange
Building, S.V. Road, Goregaon (W),
Mumbai - 400 062.

... Respondents.

(By Advocate Shri V. S. Masurkar)



... 2

O R D E R (ORAL)

PER : Shri B. N. Bahadur, Member (A).

M.P. No. 656/2001 is before us. We have heard the Learned Counsel, Shri P.A. Prabhakaran for the Applicant and Shri V.S. Masurkar for the Respondents, on the M.P. Here the prayer is as follows :

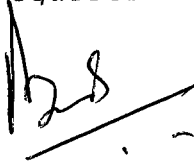
"The applicant humbly prays that the Hon'ble Tribunal be pleased to :-

i) After the name and address of the Respondent No. 1 add the words "Representing the Union of India."

ii) Accept rejoinder on the record of pleadings."

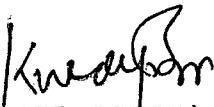
Now even assuming that at that time the M.T.N.L. Officers were Government servants, the jurisdictional aspect today is an arguable proposition. Further, it is clear that this M.P. is filed some four to five years after the filing of the O.A. Shri V. S. Masurkar points out this lacuna and states that apart from technical objections the prayer clause at para 8 of the O.A. is also vague.

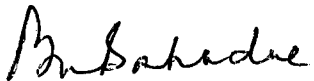
2. Without going into the merits of this O.A., we note that on the one hand while the amendment is technical in nature and on the other hand, the technicality is of important nature and cannot be ignored. Considering all facts and circumstances and in the interest of justice, we allow Shri Prabhakaran, who requests for withdrawal of the O.A., to withdraw the O.A. with



liberty to file another O.A. within six weeks from today. If it is filed within six weeks from today, the delay and laches shall stand condoned subject to other legal points being kept open.

3. The O.A. is disposed of in terms of above orders. No costs.


(KULDIP SINGH)
MEMBER (J).


~~(B. N. BAHADUR)~~
MEMBER (A).

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