

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 195/99

Date of Decision : 6.10.2000

R.A.Chowdhary Applicant.

Shri K.R.Yelwe Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents.

Shri M.I.Sethna with Advocate for the
Shri V.D.Vadhavkar Respondents.

CORAM :

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

The Hon'ble Shri S.L.Jain, Member (J)

(i) To be referred to the Reporter or not ?

(ii) Whether it needs to be circulated to other
Benches of the Tribunal ?

(iii) Library

No

SLJ
(S.L.JAIN),
MEMBER (J)

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.195/99

Friday this the 6th day of October, 2000.

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

Hon'ble Shri S.L.Jain, Member (J)

R.A.Chowdhary,
Scientific Officer/Engineer-SB,
Govt. of India,
Dept. of Atomic Energy
& Deputation at NPCIL,
Tarapur Atomic Power Project-3&4,
PO:TAPP, Dist. Thane, M.S.

... Applicant

By Advocate Shri K.R.Yelwe

V/S.

1. Union of India through
Secretary & Appointing Authority,
Department of Atomic Energy,
Anushakti Bhawan, C.S.M.Marg, Mumbai.

2. The Chairman & Managing Director,
Nuclear Power Corporation of India Ltd.,
V.S.Bhawan, Anushakti Nagar,
Mumbai.

3. Shri S.S.Sachdev,
Project Director,
NPCIL, Tarapur
Atomic Power Project-3&4,
PO:TAPP, Thane, M.S.

... Respondents

By Advocate Shri M.I.Sethna
with Shri V.D.Vadhavkar

B.M.

..2/-

O R D E R

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

Learned Counsel Shri Yelwe and Shri Sethna heard for respective sides. It is seen as per Roznama order dated 22.3.1999, only grievances at para 8 (i) & (ii) had been ordered to as being valid.

2. Now, it transpires that the matter regarding transfer from Rajasthan to Tarapur has already been decided by Jodhpur Bench of this Tribunal and High Court of Rajasthan and it is the admitted position. Hence, this prayer (8(i)) is hit by principles of res-judicata.

3. Thus, only the prayer at para 8 (ii) remains. It is pointed out by way of information by learned counsel for the Respondents, Shri Sethna, that applicant is under departmental enquiries that are pending against him and as per the conditions of the Rule 1.2.5 (Explanatory clarifications of the Offer of Absorption in NPCIL) "No options will be allowed to the employees who are involved in disciplinary/court cases till the conclusion of the proceedings". This is seen to be so in the booklet of rules produced. Thus, it has rightly been contended by learned counsel for the Respondents that unless this Rule is challenged, the applicant cannot come up with the relief sought.



..3/-

4. Learned counsel for the Applicant prays that he be allowed to file a fresh OA. withdrawing the prayer at 8.2. He would like to challenge this Rule. The OA. is thus disposed of with the following order :-

(a) The prayer at 8 (i) of the OA. is rejected.

(b) In regard to prayer at 8 (ii), applicant will be at liberty to file a fresh OA. He may file a fresh OA. if so desires as per law.

(c) The other prayers made in application have already been held to be invalid, and hence rejected.

(d) The OA. stands disposed of accordingly. No order as to costs.

(i)

J.L.JAIN

(S.L.JAIN)

MEMBER (J)

B.N.BAHADUR

(B.N.BAHADUR)

MEMBER (A)

mrj.