

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 690/2000.

Dated this Wednesday, the 7th day of February, 2001.

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

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

I. Chandra Sekaran,  
Staff No. 35999,  
MTNL, Mumbai,  
Sakinaka Telephone Exchange,  
A. K. Road, Mumbai - 400 072.

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Applicant.

(By Advocate Shri V. N. Shingnapurkar)

VERSUS

1. Union of India through  
The Chief General Manager,  
MTNL, Mumbai,  
Veer Savarkar Marg,  
Prabhadevi at P.O.,  
Mumbai - 400 028.

2. The Assistant General Manager  
(A-1), M.T.N.L., Mumbai,  
13th floor, Telephone House,  
At P.O. Mumbai - 400 028.

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Respondents.

(By Advocate Shri V. S. Masurkar)

OPEN COURT ORDER

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

This is an application made by Shri I. Chandra Sekaran and since the matter is in a very short compass, it is being disposed of at the admission stage, after hearing the Learned Counsel on both sides.

2. The core facts of the case are that the Applicant has been provided with a regular promotion from the post of J.T.O. to

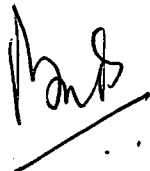
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the post of T.E.S. Group 'B' vide order of the Ministry of Communication, Department of Telecom dated 21.10.1998 (exhibit 'C'). The Learned Counsel for the Applicant thereafter states that he had also requested for his relief from his post accordingly, but was informed on 18.01.1999 (vide exhibit 'E') that he cannot be promoted due to a vigilance case pending against him. The Learned Counsel for the Applicant argued that the Applicant's promotion, which is duly ordered vide the aforesaid order dated 21.10.1998 cannot be with-held and has to be provided to him in view of the ratio in the case of K.V. Jankiraman & Others V/s. Union of India & Others [AIR 1990 SC 2010] decided by the Supreme Court and the O.M. of the Department dated 14.09.1992.

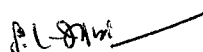
3. Arguing the case on behalf of the Respondents, the Learned Counsel first raised points about the prayers sought in the O.A. and said that they are vague. Casting aside the technical point for a minute, it is seen that we have no details in regard to the vigilance proceedings. The Applicant has made a representation to the Chief General Manager, M.T.N.L., Mumbai on 28.09.1999 (copy at exhibit 'F') but no reply seems to have been provided. As pointed out by the Learned Counsel for Respondents, correctly speaking, the Applicant should have approached the Secretary to the Ministry. The Chief General Manager has also chosen not to submit the application to the Ministry or to reply to the Applicant. Be that as it may, it would be just and proper to dispose of this by providing liberty to the Applicant to make a comprehensive Representation in regard to his

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grievance/s and to give directions to the Respondents to consider the Representation on merits and decide the issue. Incidentally, there was some delay in the Applicant approaching this Tribunal also, but this delay has been already condoned by us before hearing the O.A. vide order dated 05.02.2001.

4. The O.A. is therefore disposed of with liberty provided to the Applicant to make a Representation addressed to the Secretary to the Government of India, Ministry of Communication, (Department of Telecom.). The Representation should be made through the Chief General Manager (C.G.M.), within a period of one month from today. The C.G.M. will ensure its prompt submission to the Ministry. The Ministry of Communication shall dispose of the Representation on merits and in accordance with law by 30.05.2001. A reply will be provided to the Applicant with reasons. All issues on merits/legal issues are left open and Applicant will be at liberty to approach this Tribunal again if aggrieved by the decision of Government, if so advised. There will be no orders as to costs.

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

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

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