

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 519/2000

Date of Decision : 3.11.2000

M.G.Kangani _____ Applicant.

Shri M.S.Ramamurthy _____ Advocate for the
Applicant.

VERSUS

Union of India & Ors. _____ Respondents.

Shri V.S.Masurkar _____ Advocate for the
Respondents.

CORAM :

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

The Hon'ble Smt. Shanta Shastry, Member (A)

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

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

(iii) Library Yes

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

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.519/2000

Friday this the 3rd day of November, 2000

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

Hon'ble Smt.Shanta Shastry, Member (A)

M.G.Kangani,
Sub-Divisional Engineer,
Prabhadevi Telephone Exchange,
Dadar, Mumbai.

... Applicant

By Advocate Shri M.S.Ramamurthy

V/S.

1. Union of India,
through the Secretary,
Department of Telecommunications,
Govt. of India, Sanchar Bhawan,
New Delhi.

2. The Member (Telecom),
Telecom Commission,
Sanchar Bhawan, New Delhi.

3. The Chief General Manager,
Mahanagar Telephone Nigam Limited,
Telephone House, 15th Floor,
V.S.Marg, Dadar (West), Mumbai.

... Respondents

By Advocate Shri V.S.Masurkar

ORDER (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the
Administrative Tribunals Act,1985 seeking the following reliefs:-

S. L. JAIN

..2/-

(a) That it be declared that the Order of Suspension dated 9.9.1999 read with order dated 4.10.1999 and the order dated 24.3.2000 declining revocation of suspension are all illegal, bad in law and liable to be quashed and set aside.

(b) That this Hon'ble Tribunal be pleased to quash and set aside the Order of Suspension dated 9.9.1999 read with order dated 4.10.1999 and the order dated 24.3.2000 rejecting revocation of suspension.

(c) That this Hon'ble Tribunal be pleased to direct the respondents to reinstate the applicant in service with full back wages and continuity of service and all other consequential benefits flowing therefrom.

(d) That the respondents be directed to revise the subsistence allowance of the applicant to 90%

(e) That such other and further order or orders be passed as the facts and circumstances of the case may require.

(f) That costs of this application be provided for.

2. The learned counsel for the respondents stated that after the receipt of the notice, the respondents have contacted him and he has duly advised them. He further stated that the applicant has submitted the appeal to the Member, Telecom Commission (vide Exh.'F' page 34 of the OA.) while it is decided by Chief General Manager, M.T.N.L., Mumbai treating it to be a review.

3. In such circumstances, we heard the learned counsel for the applicant as well as counsel for the respondents. On perusal of the order passed in the appeal of the applicant, we find that the order is passed by the same authority who has passed the order of suspension originally i.e. Chief General Manager, M.T.N.L., Mumbai while the appeal is to the Member, Telecom Commission as stated above.

4. The learned counsel for the applicant argued that the Member, Telecom Commission can be ordered to decide the appeal but the matter should be kept pending and after decision of the appeal, the matter can be proceeded with as required by law. We are not inclined to agree with his latter part of submission regarding keeping the OA. pending.

5. In the result, OA. is allowed. The Member, Telecom Commission is directed to decide the appeal (Exh. 'F' page 34 of the OA.) within a period of six weeks, if not decided so far, by a speaking order. If the appeal is not decided so far, the applicant may send a copy of the OA. to the appellate authority for consideration of the same as additional grounds and Member, Telecom Commission is directed to take into consideration the grounds raised in it also. The applicant if aggrieved by the said order shall be at liberty to proceed in accordance with law after the decision in appeal. With this observation, the OA. stands disposed of. There will be no order as to costs.

2-8

(SMT. SHANTA SHAstry)

MEMBER (A)

J.L.JAIN

(S.L.JAIN)

MEMBER (J)

mrj.