

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:76/2001

DATE OF DECISION: 27.11.2001

Shri D.K. Bhalerao Applicant.

Shri K.R. Yelwe Advocate for
Applicant.

Verses

Union of India and others Respondents.

1) Shri S.S. Karkera. Advocate for
Respondents

CORAM

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

(1) To be referred to the Reporter or not? *NO*

(2) Whether it needs to be circulated to *Ho.*
other Benches of the Tribunal?

(3) Library. *No*

S.L.Jain
(S.L.Jain)
Member(J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 76/2001

TUESDAY the 27th day of NOVEMBER 2001

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

D.K. Bhalerao
Residing at
002, Anand Vaibhav
Co-op. Hsg. Society,
Sector 19, Nerul,
Navi Mumbai.

...Applicant.

By Advocate Shri K.R. Yelwe.

V/s

1. Union of India through
The Secretary to the
Government of India,
Ministry of Communication
(Department of Telecommunication)
Sanchar Bhavan,
New Delhi.
2. The Chief General Manager
Mahanagar Telephone Nigam Ltd.,
Telephone House,
Veer Savarkar Road,
Prabhadevi, Mumbai.
3. The General Manger
M.T.N.L. Mumbai,
O/O The General Manager,
Navi Mumbai, CGO Complex
6th floor, C.B.D. Belapur.
4. The Accounts Officer (Works)
M.T.N.L. Mumbai
C.G.O. Complex,
6th floor, C.B.D. Belapur,
Navi Mumbai.
5. The Personel Officer
M.T.N.L. Mumbai
C.G.O. Complex,
6th floor, C.B.D. Belapur,
Navi Mumbai.

...Respondents.

By Advocate Shri S.S. Karkera.

S.S. Karkera -
...2...

ORDER (ORAL)

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

This is an application under Section 19 of the Administrative Tribunals Act 1985 seeking the reliefs as noted below:

(a) That this Hon'ble Tribunal be pleased to call for the records and proceedings leading to the issue of the orders dated 11.12.2000 and 17.11.2000 and after ascertaining the propriety and legality thereof, quash and set them aside.

(b) That this Hon'ble Tribunal be pleased to call for the records and proceedings leading to the issue of Clause (ix) of para 5 of the Provisional Terms and condition and after ascertaining the propriety and legality thereof, quash and set it aside.

(c) That this Hon'ble Tribunal be pleased to call for records and proceedings leading to the issue of Item 8 of the Agreement with the Federations, reached during the discussions held on 16.11.1998, so far as it relates to forfeiture of Half Pay Leave and after ascertaining the propriety and legality thereof quash and set it aside.

(d) That the Respondents be directed to refund the amount of Rs. 72,991/- recovered as alleged over payment of HPL salary drawn by the applicant from the Death-cum-retirement Gratuity admissible to the applicant with interest at 21% p.a. from the date of recovery till the date of refund.

(e) Such other orders as may be deemed necessary in the facts and circumstances of the case.

(f) Cost of the application be provided for.

2. The Respondent No.2 is the Chief General Manager, Mahanagar Telephone Nigam Ltd, Respondent No.3 is the General Manager, Mahanagar Telephone Nigam Ltd., Respondent No.4 is the Accounts Officer of the same organisation and Respondent No.5 is the Personnel Officer, of the said organisation.

S.L.J.

3. The Mahanagar Telephone Nigam Ltd. is not under the jurisdiction of this Tribunal as it has been not notified under Section 14(2) of Administrative Tribunals Act 1985. The OA has been filed by former employee of Mahanagar Telephone Nigam Ltd., as the Tribunal does not possess jurisdiction, The OA cannot be considered on merit.

4. The point decided regarding the jurisdiction of this Tribunal is in the case of S.M. Mandal and Ors. V/s Union of India and Ors. (OA 324/2001).

5. In the result as the Tribunal does not possess jurisdiction. The OA is disposed of for want of jurisdiction. The applicant is at liberty to agitate the matter in proper forum in accordance with law. No order as to costs.

P.S.J.
(S.L.Jain)
Member(J)