

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 105 OF 2001

MONDAY, THE 26TH DAY OF FEBRUARY, 2001

SHRI JUSTICE ASHOK AGARWAL.
SMT. SHANTA SHASTRY.

... CHAIRMAN
... MEMBER (A)

Shri Muralidhar Genuji Nehere,
S/o Shri Genuji Abaji Nehere,
Age 55 years, Draughtsman Grade-I,
O/o Principal General Manager,
Pune Telecom, Pune.

... Applicant

By Advocate Shri S.T. Papalkar.

Vs.

1. Secretary,
Union of India,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhavan, Ashoka Road,
New Delhi-110 001.
2. The Chief General Manager,
Maharashtra Telecom Circle,
C.T.O. Building, IInd Wing,
7th Floor, fort,
Mumbai-400 001.
3. The Principal General Manager,
Pune Telecom, Telephone Bhavan,
Bajitao Road, Pune-411 002.

Respondents

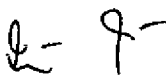
O R D E R (ORAL)


Shri Justice Ashok Agarwal

... Chairman.

The present OA, we note, in the nature of anticipatory petition based on an order passed on 8th June, 2000 seen at Annexure A1. Applicant apprehends that his services as Draughtsman Grade-I which he has been holding since July 1978 is likely to be affected and salary received during that period is likely to be recovered from him. No orders, in this behalf has so far been issued. We, in the circumstances, do not entertain

the present OA, which we find is premature. The same, in the circumstances, is dismissed with liberty to the applicant to impugn the order which may be issued ^{should} ~~and~~ ^{be} the same ~~is~~ adverse to his interest.


(SHANTA SHASTRY)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

REVIEW PETITION NO.24/2001 IN
O.A.105/2001.

DATED:22/6/2001

CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SMT.SHANTA SHASTRY, MEMBER(J)

Shri Muralidhar Genuji Nehere

... Review Petitioner

V/s

Union of India & Ors.

... Respondents

(ORDER)

A review has been sought of the order dated 26/2/2001 in OA 105/2001 dismissing the same as being premature. The applicant had prayed to place him in Grade-I Draftsman Cadre from 6/7/78 notionally with financial benefit from 16/11/78 and to pay consequential benefits.

2. According to the review applicant, the Tribunal erroneously dismissed the OA as premature without considering it on facts and on merits. The Tribunal failed to consider the relief prayed for in para-8 of the OA and dismissed the OA basing the judgement merely on interim relief.

3. It is not correct to say that the Tribunal dismissed the OA merely on the basis of the interim relief overlooking the other prayers in the OA. Actually, the applicant was promoted to Grade-I with financial benefit from 16/11/78 vide order dated 17/7/98. In spite of the impugned order dated 8/6/2000, a proposal was submitted to the appropriate authority showing the applicant in Grade-I for the period 6/7/78 to 31/3/87. The applicant's apprehension was his position which he was holding since July 78 was likely to be affected after such impugned

...2.



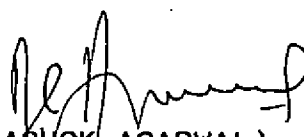
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orders were to be implemented. No cause of action has arisen so far to disturb his existing position. No new facts have been brought to our notice to consider a review.

4. The Review Application is therefore rejected:


(SHANTA SHASTRY)
MEMBER(A)

abp


(ASHOK AGARWAL)
CHAIRMAN