

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 27 JUN 1995

APPLICATION NO. 2097 of 1994.

APPLICANTS: Sri.N.N.Chakraborty,
V/S.

RESPONDENTS: The Director General, Deptt. of Telecom,
New Delhi and another.

To

1. Dr.M.S.Nagaraja, Advocate, No.11,
Second Floor, First Cross,
Sugatha Complex, Gandhinagar,
Bangalore-560009.
2. Sri.M.Vasudeva Rao, Additional
Central Govt. Standing Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

---xxx---

Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 14-06-1995.

Issued on
27/6/95

R.

g/c


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*



cation Department.

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2

- 2 -

3. Be that as it may, the applicant was before us on an earlier occasion in O.A. No.1127/94 and that O.A. was disposed of by an order dated 16.8.1994 vide Annexure-A4, holding that the applicant was entitled to a show cause notice before he was reverted to a lower post and therefore liberty was given to the Department to issue a show cause notice and thereafter take action. As a follow-up of that order, the applicant was subsequently issued with a show cause notice calling upon him to show cause as to why he should not be reverted. In due course, the applicant also replied to the show cause notice on 14.12.1994. But, before the department had a chance to take any action on the reply, he came to this Tribunal and also obtained an order of stay precluding the department from disturbing his present posting. During the pendency of this application, the applicant had taken the opportunity of filing a rejoinder in which he seriously challenged the legality of the action taken to revert him. He has also produced a number of documents in support of his claim that the impugned reversion is bad in law. A copy of the same has been served on the standing counsel, who has also taken the unusual step of filing reply to the above rejoinder. We have taken cognisance of the same.

4. We, however, think it appropriate that the department should have held a chance of looking into the reply filed by the applicant to the show cause notice and thereafter to take appropriate action in that behalf. It is clear that the applicant had stalled the whole issue by coming to the Tribunal even when the show cause notice and the reply vis-a-vis the same was before the department and was pending consideration. In that view of the matter, we think the instant application is somewhat pre-mature. We, therefore, dispose of this application holding that this application to be totally pre-mature, and direct the department to dispose of the show cause notice taking into consideration not merely the reply, sent, but also the contents of

this application, the rejoinder filed in this case along with its contents and annexures, etc. If the applicant is still aggrieved by whatever the department may take thereafter, it will be open to him to approach this Tribunal once again. All the contents raised herein are left open.

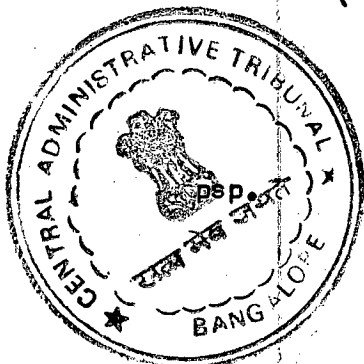
5. With this observation, this application stands disposed of. Till such time, the department takes a decision on the representation made by the applicant, the interim order of stay granted herein will continue. Dr. Nagaraja says that the interim order may be allowed to continue for a short period even after his representation has been disposed of so that in case it results in any adverse result, he may approach us and seek necessary interim order. Learned standing counsel naturally opposes this plea. We think it appropriate for us to observe that whatever decision the department takes in regard to the show cause notice after taking into consideration all the relevant materials as directed herein and thereafter decides to take any action to revert the applicant, the same may be ~~entertained~~ ^{withheld} for a period of succeeding ten days.

Sch

(T.V. RAMANAN)
MEMBER (A)

Sch

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

[Signature]
27/6/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.2097/1994

WEDNESDAY, THIS THE 14TH DAY OF JUNE, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

Sri N.N. Chakraborty,
Aged 54 years,
s/o Late D.N. Chakraborty,
108, Jayalakshmi Mansions,
6th Cross, Gandhinagar,
Bangalore-560 009.

... Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Director General,
Department of Telecommunications,
Ministry of Communications,
Govt. of India, Sanchar Bhavan,
20, Ashoka Road, New Delhi - 110 001.

2. Union of India,
rep. by Secretary to Govt.,
Ministry of Communications,
Dept. of Telecommunications,
New Delhi - 110 001.

... Respondents

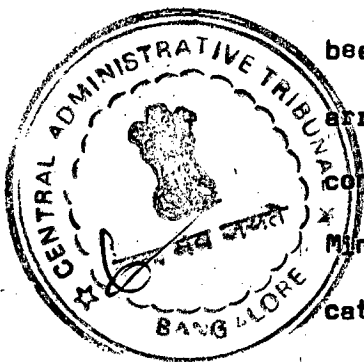
(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Stg. Counsel)

O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman:

We have heard Dr. Nagaraja for the applicant and the learned Additional Standing Counsel for the respondents.

2. The grievance herein is that the applicant had been reverted to a lower post from a higher post and such reversion could not have been effected merely on the basis of the fact that the applicant was arraigned at a departmental enquiry for having committed some misconduct while he was on deputation to the Information and Broadcasting Ministry. The applicant, it was mentioned, belongs to the Telecommunication Department.



3. Be that as it may, the applicant was before us on an earlier occasion in O.A. No.1127/94 and that O.A. was disposed of by an order dated 16.8.1994 vide Annexure-A4, holding that the applicant was entitled to a show cause notice before he was reverted to a lower post and therefore liberty was given to the Department to issue a show cause notice and thereafter take action. As a follow-up of that order, the applicant was subsequently issued with a show cause notice calling upon him to show cause as to why he should not be reverted. In due course, the applicant also replied to the show cause notice on 14.12.1994. But, before the department had a chance to take any action on the reply, he came to this Tribunal and also obtained an order of stay precluding the department from disturbing his present posting. During the pendency of this application, the applicant had taken the opportunity of filing a rejoinder in which he seriously challenged the legality of the action taken to revert him. He has also produced a number of documents in support of his claim that the impugned reversion is bad in law. A copy of the same has been served on the standing counsel, who has also taken the unusual step of filing reply to the above rejoinder. We have taken cognisance of the same.

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