

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH.

Original Application No. 232/93

Transfer Application No.

Date of decision 2.8.1993

Shri S.V.Raut

Petitioner

Shri B.W.Vaidya

Advocate for the Petitioner

Versus

Chief G.M., MTNL, Bombay & Ors. Respondent

Shri V.S.Masurkar

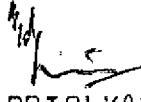
Advocate for the Respondent(s)

Coram :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.Y.Priolkar, Member (A)

1. Whether the Reporters of local papers may be allowed to Y  
see the Judgement ?
2. To be referred to the Reporter or not ? M
3. Whether their Lordships wish to see the fair copy of M  
the Judgement ?
4. Whether it needs to be circulated to other Benches of M  
the Tribunal ?

  
(M.Y.PRIOLKAR)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

(4)  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA NO.232/93

Shri S.V.Raut ... Applicant

V/S.

Chief General Manager,  
Mahanagar Telephone Nigam Ltd.,  
Bombay & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri B.W.Vaidya  
Advocate  
for the Applicant

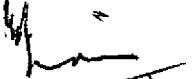
Shri V.S.Masurkar  
Advocate  
for the Respondents

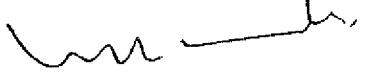
ORAL JUDGEMENT

Dated: 2.8.1993

(PER: M.S.Deshpande, Vice Chairman)

Shri Masurkar for the respondents requests for time to file written statement. Request refused. It is apparent from the agreement with the Union that the period of retrenchment which the applicant had to undergo had to be counted as continuous service. The eligibility for the job was four years continuous service and this term is satisfied by the applicant in view of the terms of agreement between the Management and the Union. The applicant, therefore, should <sup>have been</sup> be allowed to take the test and he was denied the opportunity to appear at the test which was held about four months ago. We find that the applicant is entitled to be given an opportunity, and we, therefore, direct the respondents to take a special test for the applicant within a month from the date of receipt of a certified copy of this order. The other reliefs which are sought by the applicant will be dependent on the result of the test. If the applicant passes test, the respondents should give him his entitlement accordingly. The question will not arise if the applicant fails in the test. With these directions the application is disposed of.

  
(M.Y.PRIOLKAR)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN