

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 539/93.

Wednesday, this the 30th day of July, 1997.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri M.R.Kolhatkar, Member(A).

Madan Gopal Sahu,
C/o.C.Nathan,
Advocate High Court,
17, Dalvi Building,
Dr.Ambedkar Road, Parel,
Bombay - 400 012.

... Applicant.

(By Advocate Shri C.Nathan).

V/s.

1. The Chief General Manager,
MTNL, Bombay,
Telephone House, 15th Floor,
V.S.Marg, Dadar (W),
Bombay - 400 028.

2. The Assistant General Manager
(Admn.I), MTNL, Bombay,
Telephone House, 15th Floor,
V.S.Marg, Dadar (W),
Bombay - 400 028.

3. The Chairman, Telecom Commission,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi - 110 001.

... Respondents.

O R D E R (ORAL)

(Per Shri B.S.Hegde, Member(J))

Heard Shri C.Nathan, counsel for the applicant.

There is no appearance on behalf of the respondents despite notice and intimation that the matter is fixed for hearing.

2. The only prayer made in the O.A. by the applicant is that the order passed by the respondents dt. 30.4.1993 reverting the applicant and others to the post of JTOs from Asstt. Engineers. , However, applicant the/pursuant to the direction of the Tribunal vide order dt.11.6.1993 had obtained a stay against the reversion order and the same was allowed to continue till now.

3. The respondents in their reply have submitted that in view of the pending inquiry the applicant could not be given either ad-hoc promotion *or regular promotion.*

4. During the course of hearing, the counsel for the applicant drew our attention to the order dt. 19.8.1996 by which the charges levelled against the applicant has been dropped. The learned counsel for the applicant also drew our attention that in the year 1990 the DOT regularised the applicant and other employees, list has been furnished but no order passed by the respondents have been furnished. In the absence of any regularisation order passed by the respondents, we are unable to make any comments in regard to the regularisation of the services of the applicant. Since the applicant has been exonerated from the charges levelled against him, it is open to him to make a representation to the Competent Authority to regularise him in service right from 1990 or earlier date as he deems fit. The prayer made in the O.A. for quashing of the order has not been given effect to in view of the dropping of the charges levelled against him. In view of the above, nothing survives in the application, accordingly we dispose of the O.A. by passing following order.

O R D E R

Since the charges levelled against the applicant is dropped by the Competent Authority, on receipt of the representation by the applicant for regularisation the Competent Authority may pass appropriate orders regarding regularisation of

...3.

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the applicant in accordance with the Rules. The O.A. is disposed of with the above orders. The M.P.S. filed by the parties are dismissed. There will be no order as to costs.

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A)

B.S. Hegde
(B.S. HEGDE)
MEMBER (J).

B.