

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:623/95

DATE OF DECISION:1.2.2000

Shri Madhukar Hiranman Kasture Applicant.

Applicant in person Advocate for
Applicant.

Versus

The General Manager(East-1) MTNL and another Respondents.

Shri V.S.Masurkar Advocate for
Respondents

CORAM

Hon'ble Shri B.N.Bahadur, Member(A)

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

(1) To be referred to the Reporter or not?

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

(3) Library.

No

B.N.B.
(B.N.Bahadur)
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:623/95

TUESDAY the 1st day of FEBRUARY 2000

CORAM: Hon'ble Shri B.N.Bahadur, Member (A)

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

Madhukar Hiranman Kasture
Residing at
Janata Nagar
Chawl No.10/208,
P.Y. Thorat
Marg., Chembur, Bombay.

...Applicant.

Applicant in person.

V/s

1. The General Manager (East-1)
Mahanagar Telephone Nigam Ltd.,
Kailash Commercial Complex
L.B. Shastri Marg., Vikhroli
(West) Bombay.

2. Chief General Manager
Mahanagar Telephone Nigam Ltd.,
Telephone House, 10th floor
V.S.Road, Dadar(West), Bombay.

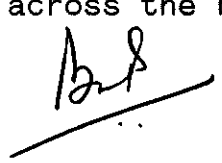
...Respondents.

By Advocate Shri V.S.Masurkar.

ORDER (ORAL)

{Per Shri B.N. Bahadur, Member (A)}

The applicant in this case Shri M.H. Kasture who appears before us, in person, and as per his wish has argued the matter himself. He also files written arguments which have been considered. We have also seen some copies of the papers he has filed across the bar.



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2. The relief sought by the applicant in this OA is as follows:

- i) The order of suspension dated 21.12.1993 passed by the Respondent No.1 at Ex. 'A' hereto, be quashed and set aside.
- ii) Any other just and equitable order in the interest of justice may be passed.

3. The facts in this case, as relevant to the issues before us, are that the applicant was first placed under suspension vide order dated 21.12.1993 of MTNL, Bombay, wherein the reason given for his suspension is that of investigation of a case against him in respect of a criminal offence. Later, the applicant has been convicted by the Special Judge, Sessions Court, vide order dated 30.3.1999.

4. Subsequent to the conviction, the respondents have issued an order dated 17.11.1999 (Copies produced before us by counsel for the respondents), whereby the applicant has been removed from service. In this order, it is specifically mentioned that an opportunity has been provided to the applicant for submitting written explanation as also for personal hearing.

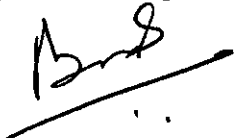
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5. The applicant did state during arguments that he had received a copy of the order, but also argued that he has not received show cause notice again. Be that as it may, the prayer for quashing suspension order now becomes infructuous, in view of the issue of the order of removal from service. The applicant may have a grievance against the order of his removal, but for that, he will have to avail the remedies available in law. His grievance, even if it exists, cannot go into in this OA.

6. The applicant strenuously stated before us that he has not received subsistence allowance for certain period of about two months. We cannot give any relief on this count in this OA, but we certainly hope that the respondents will look into this grievance, and, if any amount by way of subsistence allowance is outstanding as due to him according to Rules, we are confident that the respondents will make the payments at the earliest possible.

7. The applicant has also made a plea before us regarding a departmental enquiry that is pending against him and alleges that the Enquiry Officer's report absolving him has been submitted around August 1996. The grievance of the applicant is that no decision is forthcoming from the respondents in spite of all this time having lapsed. We cannot go into this issue in this OA before us, as this is not made an issue herein. We have no doubt that the department will consider his request on this score also and give him justice.



9. The Counsel for respondents had argued the case in detail and made the main point that the prayer does not survive in view of the order removing the applicant from service. The argument has force, *as already discussed above.*
B.N.B

10. In view of the observations made above, this application is hereby dismissed with no order as to costs.

11. M.P. filed by the applicant dated 10.1.2000 also stands disposed of.

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

B.N.Bahadur
(B.N.Bahadur)
Member(A)

NS