

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 15 of 1998.

Dated this Wednesday, the 24th day of April, 2002.

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

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

S. C. Verma,
Executive Engineer (Electrical),
Postal Electrical Division,
3rd Floor, R.S.P.O. Building,
Thane (West) - 400 601.

(By Advocate - Shri G. K. Masand)

VERSUS

1. Union of India through
The Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhavan, Sansad Marg,
New Delhi - 110 001.

2. Shri K. Subramaniam,
Chief Engineer (Electrical),
Department of Telecommunication,
15th floor, Deviba Tower,
Nehru Place, New Delhi 110 019. ... Respondents.

(By Advocate Shri V. S. Masurkar)

O R D E R (ORAL)

PER : Shri B. N. Bahadur, Member (A).

This is an application made by Shri S. C. Verma, the then Executive Engineer, Thane (W), challenging the impugned order dated 13.05.1997, through which the Applicant has been imposed with the penalty of reduction by two stages in his time scale of pay, for a period of two years, with cumulative effect. The Applicant seeks the relief from this Tribunal, for quashing and



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setting aside of the impugned order and for consequential reliefs as mentioned in para 8 of the O.A.

2. Just after the start of arguments on behalf of the applicant by his Learned Counsel, Shri G. K. Masand, we find from the record that the Applicant had indeed preferred an application dated 17.06.1997 to the President of India through the Secretary, D.O.T. & Chairman Telecom Commission, Department of Telecommunication, New Delhi. This application is titled as "Review/Revision Petition". We find that it is made after about a month of the impugned order. Further, we found from the Written Statement of reply of Respondents that it is stated (at para 11) that the Review/Revision Petition has indeed been submitted, but that it is still under consideration in consultation with various authorities concerned. Further, it is stated in the same para 11 that since the Applicant has filed the present O.A., the matter has become subjudice, and no further action is being taken to decide the review petition till the pendency of this O.A.

3. Now, in the first place, the Administrative Tribunals Act, 1985, envisage (Section 20) that remedies available to the applicant shall first be exhausted. To add to that, we find here that certain defences are taken by the applicant, inter alia, on matters which are technical in nature, as also certain allegations of malafide have been made by arraying in the party line-up a specific officer, namely - Shri K. Subramaniam, Respondent No. 2. It is also seen from record that the said



Respondent No. 2 has not filed any Written Statement. It is also noted from a perusal of the Written Statement filed on behalf of Respondents that the said Written Statement is verified by one Shri R. C. Sharma, who is the E.O. to the Chief Engineer (Elect) and there is no mention herein of any instructions by Respondent No. 2, i.e. K. Subramaniam. He has filed it, as stated in para 2 of the Written Statement, as being one acquainted with facts and circumstances of the case in his official capacity.

4. Considering the above facts and circumstances, we find that this is a fit case where it will be desirable that the Respondent, President of India, considers and decides the aforesaid Revision/Review Petition on merits and in accordance with law, first. We direct accordingly. It is also directed that the averments made by the Applicant under Roman Para IV i.e. from pages 2 to 17 of the O.A. are also considered in addition to the points taken in the aforesaid Revision/Review Petition. A copy of this O.A. will be made available to the appropriate authority by Respondent No. 1.

5. This O.A. is disposed of with directions as contained in para 4 above. The directions shall be implemented within a period of four months from the date of receipt of a copy of this order.

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We have not gone into the merits of the case, which are left open. Should the applicant be aggrieved by the decision taken, he will be at liberty to approach this Tribunal, as per law.

No order as to costs.

S. L. JAIN
(S. L. JAIN)
MEMBER (J).

B. N. BAHADUR
(B. N. BAHADUR)
MEMBER (A).

OS*

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