

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1617/97.

Dt. of Decision : 05-12-97.

O.P.Chavan

.. Applicant.

Vs

The Chairman-Secretary,
Telecom Commission,
Dept. of Telecommunications,
Sanchar Bhavan,
New Delhi.

.. Respondent.

Counsel for the applicant : Mr.P.B.Vijaya Kumar

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.))

Heard Mr.P.B.Vijaya Kumar, for the applicant and Mr.N.R.Devaraj, for the respondents.

2. When the case was taken up for admission it was submitted by Mr.P.B.Vijaya Kumar, learned counsel for the applicant, that he does not want to press for the main relief now and that the interim relief prayed for can itself be regarded as main relief at present for the purposes of this OA.

3. The applicant is said to have submitted two representations to the sole Respondent on 11-04-97 and 06-07-97. These representations were with regard to regularisation of the applicant's services in the grade of Assistant Engineer (C) in the Civil Wing of the Telecommunication Department. The contention of the applicant, in short, is that a memo of charges was served on him on 6-4-94, whereas the DPC which had met nearly 5 years earlier, i.e., in 1989, had duly considered his case for regularisation in the AE's cadre. The grievance in the present application is that the resort to the sealed cover procedure by the Respondent Commission was not in order in the situation and circumstances such as these. In this context, he cites the judgement of Hon'ble Supreme Court in Union of India Vs. K.V.Janakiraman (A.T.J. 1992 (1) SC 371) to support his argument. It is further submitted that an OA.4/90 in exactly similar circumstances was disposed of by this Bench on 15-6-92 with a direction to the Respondents to open a similar sealed cover in respect of the applicant therein and to take further action in accordance with the recommendation of the DPC within a period of 2 months from the date of receipt of a copy of that judgement.

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8/12 *Jaw*

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4. In the light of the submissions made and the case-law cited, it would be expedient and adequate to direct the Respondent to dispose of the representation dt. 11-4-97 (Annexure-1) and the reminder-representation dt. 6-7-97 (Annexure-2) within 8 weeks from the date of receipt of a copy of this order. In case the representation(s) come(s) to be rejected despite the position brought out in the cases cited supra, the same shall have to be through a detailed speaking order. The applicant, in that situation shall have the liberty to reagitate his grievance, if so advised, in case he happens to be aggrieved by the decision that may be communicated to him. A copy of this OA shall be sent to the Respondent to facilitate proper examination of the applicant's claim.

5. Thus the OA is disposed of at the admission stage.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

5/1249

Dated : The 5th Dec. 1997.
(Dictated in the Open Court)

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Deputy Registrar

~~16/12/97~~

In The central Admin. Tribunal
Hyderabad Bench

The Hon'ble Mr. H. Rajendra Prasad May

The Hon'ble Mr. B. S. Jaiprakashan May

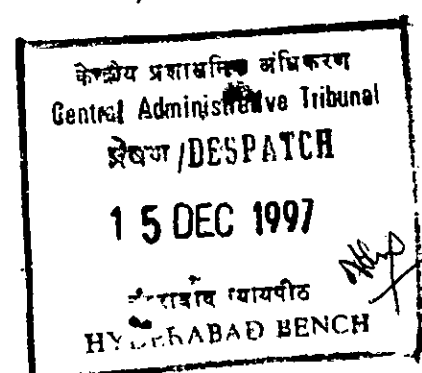
Dated : 5/12/97

Judgment

OA No. 1617/97

OA disposed of at the
admission stage

a/w OA copy.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA.No.533/98 in OA.No.1617/97

Between:

Dated:17.7.1998.

The Chairman/Secretary,
Telecom Commission,
Department of Telecommunications,
Sanchar Bhavan, New Delhi.

Applicant/
Respondent

And

Shri O.P.Chavan

Respondent/
Applicant

Counsel for the Applicant : Mr. N.R.Devaraj

Counsel for the Respondent : Mr. P.B.Vijaya Kumar

CORAM:

THE HON'BLE MR. R.RANGARAJAN : MEMBER (A)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri N.R.Devaraj for MA applicants and Sri Durga Rao for Sri P.B.Vijay Kumar for MA respondent.

2. In this MA extension of 4 months time is requested from 31.3.98, is only 10 days away from today, the MA is allowed as prayed for.

3. Accordingly MA is allowed. No costs.

[Signature]
Deputy Registrar

Copy to:-

1. The Chairman/Secretary, Telecom Commission, Deptt. of Telecommunications, Sanchar Bhavan, New Delhi.
2. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
3. One copy to Mr.P.B.Vijaya Kumar, Advocate, CAT., Hyd.
4. One duplicate copy.

SRR

27/7/98

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 17/7/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO. 533/98

in

D.A.NO. 1617/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

MA 28

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal दिल्ली / DESPATCH 21 JUL 1998 हैदराबाद न्यायपीठ HYDERABAD BENCH

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M. Chandra to draft again
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