

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.P.3/2000 in M.A.708/99

O.A.NO.1226/99

Date of Order : 8.2.2000

BETWEEN :

N.Rama Krishna

..Applicant.

AND

1. Sri P.S.SARAN,  
Secretary to Government of India,  
Ministry of Communications,  
Dept. of Telecommunications,  
Sanchar Bhavan, Ashoka Road, New Delhi.
2. Sri Chowdappa,  
Advisor (HRD), Dept. of Telecommunications,  
Sanchar Bhavan, Ashoka Road,  
New Delhi.
3. Sri B.K.Bansal,  
Chief General Manager, Telecom,  
Advanced Level Telecom Training Centre,  
Ghaziabad.
4. Sri Ramanujam  
Chief General Manager, Telecom,  
AP Circle, Doorsanchar Bhavan,  
Nampally Road, Hyderabad.

..Respondents.

Counsel for the Applicant

..Mr.J.Sudheer

Counsel for the Respondents

..Mr.B.N.Sharma

CORAM :

HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

ORDER

[As per Hon'ble Shri R.Rangarajan, Member(Admn.)

Mr.J.Sudheer, learned counsel for the applicant and Mr.B.N.Sharma,  
learned standing counsel for the respondents.

MA.93/2000 in CP.3/2000 in O.A.1226/99 has also been filed for  
~~containing~~ <sup>being</sup> additional material papers. The additional material papers are taken on  
record.

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2. The applicant earlier filed OA.1305/97 on the file of this Bench which was disposed of on 17.3.98 allowing that application. That direction was challenged by filing a writ petition in the High Court of AP and it is numbered as 23582/98. In WPMP.28479/98 the stay order was <sup>passed after the judgement in OA 1305/97</sup> kept under suspension. Subsequently, the suspension was also revoked. The applicant was informed by order dated 29.6.99 that his date of clearance of probation is 15.6.99. That order has been challenged in OA.1226/99 which is still pending on the file of this Bench.

3. In the meanwhile the applicant filed CP.76/99 in OA.1305/97 which was disposed of on 29.7.99. That CP was disposed of stating that the order dated 29.6.99 can be challenged by filing a fresh OA. Hence he has filed the fresh OA.1226/99 as stated earlier.

4. In O.A.1226/99 the applicant filed MA.708/99 praying for a direction to the respondents to declare the results of the professional examination held in December 1999 and also a direction to the respondents to permit <sup>posting of</sup> the applicant to ~~the post of~~ Divisional Engineer on adhoc basis pending disposal of the OA. That was disposed of by the following order :-

"The declaration of the probation of the applicant from 18.2.95 and declaration of the results of the professional examination held in December 1995 should be informed to the applicant one way or other. The applicant is further permitted to file a representation in this connection within a week from the receipt of a copy of this order. If such a representation is received the concerned respondent should dispose of the same within a period of 45 days from the date of receipt of a copy of that representation. The above direction will meet the requirement as prayed for in the MA".

5. The applicant has filed this CP on the ground that the order passed in MA.708/99 has not been complied with.

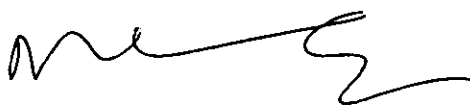
6. The applicant has filed the reply given to him as per the directions given in MA.708/99 as Annexure-R-1 to the additional material papers. It is stated in the reply dated 30.12.99 that the request cannot be acceded at this stage since the case is subjudice because of the Writ Petition filed in the High Court of AP by the department in this matter. *is pending*.



7. The learned counsel for the applicant submits that the Writ Petition filed in High Court if AP is no bar to dispose of his representation as per the directions given in MA.708/99.


8. The Writ Petition is in regard to the various benefits arising out of the direction given in OA.1305/99. When that OA.1305/99 is pending on the file of High Court it cannot be said that the reply as given above ~~has~~<sup>is</sup> incorrect. We agree with the reply given by the respondents in their letter dated 30.12.99. However the applicant is at liberty to approach the High Court of AP to get the necessary orders in this connection for replying his representation without waiting for the disposal of the Writ Petition on the Bench of High Court.

9. With the above observation the CP is closed. No costs.

  
(R.RANGARAJAN)  
Member(Admn.)

  
(D.H.NASIR)  
Vice Chairman

Dated : 8<sup>th</sup> February, 2000  
(Dictated in Open Court)

  
15-2-00

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