

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P.No.569/2016
In
O.A. No.3975/2011**

New Delhi, this the 5th day of January, 2017.

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Ashok Golas,
(Belonging to Indian Telecommunication Service Group A
(superannuated on June 30, 2010)
101-A, Mount Kailash,
New Delhi 110 001.

-Applicant

(Applicant in person)

V E R S U S

1. Mr.J.S.Deepak, Secretary,
Department of Telecommunications,
Ministry of Communications & IT,
Government of India,
Sanchar Bhavan, 20, Ashok Road,
New Delhi - 110 001.
2. Mr. Rajnish Kumar Misra, Member (Services)
Department of Telecommunications,
Ministry of Communications & IT,
Government of India, Sanchar Bhavan,
20, Ashok Road, New Delhi- 110 001. -Respondents

(By Advocate:Shri A.K.Singh)

ORDER (ORAL)

By Mr. Justice Permod Kohli

Mr. A.K.Singh, learned counsel appearing for the respondents has today placed on record copy of order dated 03.01.2017 whereby representation of the applicant has been disposed of by passing a speaking order.

(2)

2. OA No.3975/2011 was disposed of vide order dated 05.08.2014 with the following directions:

"16. In view of the aforementioned, the present Original Application is disposed of with direction to respondent Nos.1 and 2 to decide the representation of the applicant dated 17.12.2010 (Annexure A-10) on merits. No costs."

3. Aggrieved by the aforesaid order, the applicant filed Review Application being RA No.200/2014. This Review Petition was also disposed of vide order dated 03.12.2015 with the following observations:

"3. As far as the first argument is concerned, it is not necessary to reproduce the prayer made in the petition in the Order in verbatim. The tenor of the grievance raised by the applicant in the Original Application has been correctly reflected in the opening paragraph of the Order. In paragraph 2 (iv) of the Order, the words "grading of the remark" are erroneously used/added and should be deleted. As far as the plea of the applicant that no three-tier system of recording the ACR is still in vogue is concerned, the plea has already been dealt with in paragraph 9 of the Order.

4. Nevertheless, since the Original Application was disposed of with direction to respondent Nos. 1 and 2 to decide the representation of the applicant dated 17.12.2010, they would examine the said plea of the applicant de hors the findings recorded in paragraph 9 of the Order."

4. The only direction passed in the OA to dispose of the representation was maintained with further observation that the respondents would examine the representation of the applicant,

(3)

without being influenced by the findings recorded in para-9 of the original order.

5. Vide order dated 03.01.2017, the representation has been disposed of. From perusal of the order, we find that nothing is mentioned in respect of the observation of the Tribunal made in para-9 of the original order. Thus, the order of the Tribunal dated 05.08.2014 read with order dated 03.12.2015 stands complied with. The applicant submits that the order is not legally sustainable. Needless to say that the applicant is at liberty to seek remedial measure, if aggrieved by the order dated 03.01.2017. Present contempt proceedings are dropped.

(NITA CHOWDHURY)
MEMBER (A)

(PERMOD KOHLI)
CHAIRMAN

/kdr/