

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.286/2015

Date of Decision: 21st June, 2018

**CORAM:HON'BLE SHRI ARVIND J. ROHEE, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMEBR (A)**

Shri Nandlal Shankarlal Tiwari
R/at. 3/C, Fule Colony,
80 feet Road, Near Shahu
Maharaj NatyaMandir,
Dhule - 424 001,
Dist - Dhule.

Off/At:-

Sr. Telecom Operating Assistant
(TOA) (P), O/o. AGM(CM),
B.A.N.L. Dhule
- 424 311

... ***Applicant.***

(Advocate by Shri A.D. Joshi)

VERSUS

1. The Union of India through
The Secretary of Department
of Telecommunication,
Corporate House,
New Delhi - 110 001.
2. Bharat Sanchar Nigam Limited
General Manager, Telecom
City Building, Near HPO
Compound, Dhule - 424 001.
3. Sub-Divisional Engineer (HRD)
O/o General Manager,
Telecom Dhule - 424 311. ... ***Respondents***

(Advocate by Shri V.S. Masurkar)

ORDER (ORAL)**PER: SHRI ARVIND J. ROHEE, MEMBER (J)**

Today, when the matter is called out for final hearing, the applicant and Shri A.D. Joshi, learned Advocate for him both remained absent, without any intimation even on repeated calls and although waited upto 1.20 PM.

2. Shri V.S. Masurkar, learned Advocate appeared for the respondents.

3. In this OA, the applicant has challenged the impugned transfer order dated 10.04.2015. The record shows that ad-interim relief is granted in favour of the applicant staying the said transfer vide order dated 15.05.2015. Thus, the applicant is enjoying the fruits of the said interim order from that date i.e. for more than three years.

4. The record further shows that this OA was previously heard on merit by the Division Bench of Hon'ble Shri A.J. Rohee, Member (J) and Hon'ble Ms. B. Bhamathi, Member (A) on 05.12.2016. By the same order the respondents were called upon to produce the original

record concerning impugned transfer for our perusal and consideration. However, thereafter the matter was listed for hearing before different Benches. Subsequently on account of transfer of Hon'ble Ms. B. Bhamathi from this Bench, the OA was listed before the Division Bench of Hon'ble Shri A.J. Rohee, Member (J) and Hon'ble Shri R. Vijaykumar, Member (A) for hearing afresh by treating it as not to be part heard.

5. The record further shows that the applicant and his learned Advocate remained absent even on the last date of hearing i.e. 13.06.2018 when the matter was listed before the aforesaid Division Bench for final hearing. However, the matter was adjourned for today for final hearing, by continuing interim order. In the meantime, it is stated that the respondents have produced the relevant original record and deposited it in Registry.

6. Today also as stated earlier, nobody appeared on behalf of the applicant.

7. In view of above, it appears that the applicant is interested only to prolong the

matter, with a view to continue to enjoy the fruits of the ad-interim order since last more than 3 years by which impugned transfer is stayed. In absence of the applicant and his Advocate, the case cannot proceed further. Obviously the claim is not admitted by respondents.

8. The OA therefore stands dismissed in default of appearance of applicant and his Advocate, however, with no order as to costs.

9. Consequently, the ad-interim order dated 15.05.2015 staying the impugned transfer order automatically stands vacated.

10. Registry is directed to forward certified copy of this order to both the parties at the earliest.

11. Registry is directed to return the original record produced by the respondents to their nominated representative immediately.

(Mrs. P. Gopinath)
Member (A)

(Shri A.J. Rohee)
Member (J)

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