

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

...

Original Application No.290/00406/2016 with MA
No.290/00297/2016

RESERVED ON :18.07.2019
PRONOUNCED ON : 02.08.2019

CORAM:

HON'BLE MRS. HINA P.SHAH, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Mohammed Husnain s/o Shri Abid Hussain R/o Outside Merti Gate, Stadium Road, Jodhpur. Applicant is presently working as Sr. TOA (T) in the office of GMTD, BSNL, Jodhpur

...Applicant

(By Advocate: Shri Rishab Purohit, proxy for Mr. Kuldeep Mathur)

Versus

1. The Bharat Sanchar Nigam Ltd., through the Chairman & Managing Director, Bharat Sanchar Nigam Ltd., Corporate Office, New Delhi.
2. The Chief General Manager, Telecommunication (CGMT), Bharat Sanchar Nigam Ltd., Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
3. The Deputy General Manager (A) & Examination Controller, O/o Chief General Manager, Bharat Sanchar Nigam Ltd., Rajasthan Telecom Circle, Sardar Patel Marg, C-Scheme, Jaipur.
4. The Chief Accounts Officer (CA), O/o Chief General Manager, Bharat Sanchar Nigam Ltd., Rajasthan Telecom Circle, Sardar Patel Marg, C-Scheme, Jaipur

...Respondents

(By Advocate: Shri S.K.Mathur)

ORDER**Per Mrs. Hina P.Shah**

Heard the learned counsel for the parties.

2. During the course of hearing, the respondents have raised preliminary objection stating that the matter be heard on the question of re-judicata. The learned counsel for the respondents has drawn our attention towards para No.1 of the OA which relates to the 'particulars of the order against which this original application is made'. We noticed that the said particular of order argued by him was not recorded in court files. In fact, it was observed that the same has been amended by the applicant mentioning that "The Original Application is filed against the illegal inaction of the respondents in denying (sic) appointment/promotion to the applicant". The said amendment is of 15.9.2016 and notices to respondents were issued on 20.9.2016, but the applicant has not carried out these amendments in the copies to be served on the respondents. There are four respondents in the present matter and the said amendment is not carried out in any copy of the respondents. Accordingly, the respondents filed reply on 11.5.2017 on the basis of unamended Para-1 of the OA raising preliminary objections. The said reply was served to the

counsel for the applicant on 24.3.2017. Though the respondents raised objection of res-judicata and copy of the reply has been served to the applicant, yet the applicant with reasons best known to him, did not bother to file any rejoinder stating about such amendment in para-1 of the OA and therefore, the copies served on the respondents did not reflect the reply to the said amendment. In view of above, it appears that the applicant in order to take undue advantage has not amended the copy to be served on the respondents in spite of the same coming to his knowledge even after filing of reply by the respondents. This attitude of the applicant is not proper. Therefore, the applicant is directed to suitably amend copy of the OA already served to the respondents or provide amended copy to the respondents within one week and after receipt of the amended copy, the respondents are directed to file a detailed/additional reply pertaining to the merit of the case within a period of four weeks from the date of receipt of a copy of the amended OA.

List the matter on 26.9.2019.

(ARCHANA NIGAM)
ADMV. MEMBER

R/

(HINA P.SHAH)
JUDL. MEMBER