

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2974/2003

New Delhi this the 9th day of December. 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A. Singh, Member (A)

A.S. Gulati,
Retired Superintending Engineer,
(Department of Telecom.),
R/O 219. Pragati Apartments.
Punjabi Bagh Club Road,
New Delhi.

..Applicant

(By Advocate Shri S.N. Anand)

VERSUS

1. Union of India through
Secretary, Ministry of
Communications, Department of
Telecom. Sanchar Bhawan,
20, Ashoka Road, New Delhi.
2. The Senior DDG(BW)
Department of Telecom.
10th Floor, Chandralok Building,
Janpath, New Delhi.

..Respondents.

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan. Vice Chairman (J)

This is the second round of litigation by the applicant as he had earlier filed OA 1705/2002. That OA was disposed of by Tribunal's order dated 5.7.2002. Thereafter the applicant had filed CP 168/2003 for not complying with the order of the Tribunal in OA 1705/2003. The order passed in CP 168/2003 is dated 18.7.2003 in which one of us (Smt. Lakshmi Swaminathan, VC(J)) was also a Member. In that order. it was observed that the representation of the petitioner has been considered in terms of the order of the Hon'ble Supreme Court referred to therein, Accordingly, it was opined that there was no wilful or contumacious disobedience of the order. In this

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regard it is relevant to refer to Para 4 of the impugned order issued by the respondents dated 17.6.2003 which reads as follows:-

"In view of the facts narrated above, your request for grant of benefit regularisation of ad hoc service in the grade of EE(C) from 1978 to 1997 at par with P.V.Damodaran and P.Srinivasan cannot be acceded to as they have not been given any benefit of the judgement. The benefit of the judgement of CAT, PB Delhi in the matter of D.K.Vijh also cannot be extended in your case as this judgement has already been challenged in the Apex Court and the SLP has been admitted. You are, therefore, requested to await the outcome of the SP filed in the matter of D.K.Vijh. This issues with the approval of the cadre controlling authority in pursuance of the orders dated 5.7.2002 passed by the CAT, PB, Delhi in OA No.1705/2002".

2. It is noticed from Para 8 of the OA that the applicant seeks quashing of the impugned order dated 17.6.2003 with a further direction to the respondents to implement the order dated 5.7.2002 in OA 1705/2002 in its true letter and spirit, as has been done in the case of S/Shri R.N.Khurana and D.K.Vijh. It is seen from the impugned order dated 17.6.2003 that the respondents have stated that as they ^{have R} challenged the Tribunal's order in D.K.Vijh's case in the Hon'ble Apex Court by way of SLP which has been admitted, they have requested him to await the outcome of the SLP in that case. In the facts and circumstances of the case, the stand taken by the respondent cannot be faulted at this stage. It also appears from their own letter dated 17.6.2003 that they have merely requested the applicant to await the outcome of the SLP filed by them which is sub-judice before the Apex Court.

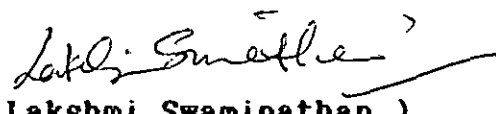
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3. In the circumstances, noting the facts mentioned by the respondents themselves in the impugned order dated 17.6.2003, we consider it proper in the interest of justice to dispose of the OA with the following directions:-

The respondents shall take an appropriate decision on the claims raised by the applicant, in accordance with the judgement of the Hon'ble Supreme Court in the aforesaid case of Shri D.K.Vijh which is ^{now is} stated to be pending before the Apex Court.


(S.A.Singh)
Member (A)


(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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