

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.NO.2417/89
New Delhi, this the 9th day of August, 94
HON'BLE MR.JUSTICE D.L.MEHTA VICE CHAIRMAN(J)
HON'BLE MR.B.K.SINGH MEMBER (A)

Shri Bhagmal
C/o Shri Bona Ram
Postman, Escort Nagar,
Faridabad.

..Applicant

(By Shri Sant Lal, Advocate)

Vs.

1. The Director Postal Services,
Haryana Circle, Ambala Cantt.
2. The Sr.Superintendent of Post Offices,
Faridabad Division, Faridabad. ...Respondents
(By Shri KC Mittal, Advocate)

ORDER(ORAL)

HON'BLE MR.JUSTICE D.L.MEHTA VICE CHAIRMAN(J)

Heard ld. counsel for the applicant.

Applicant has prayed that the impugned orders denying his claim for placement in the next higher scale be set aside but he has not referred ^{to} the impugned orders in relief clause. However at page 1 he has mentioned that the orders dated 5-10-1988 and the orders dated 11-10-1989 are the impugned orders. As far the order dated 5-10-88 is concerned, it has not been brought on record. No document and no order which is not brought on the file can be set aside by the Court. It was the duty of the applicant to bring the document on record. He should have applied to the authorities for a copy of the same. In case the authority was not willing to supply him the copy, he should have requested ^{the Tribunal} to summon the records. In such circumstances ^{no order} ~~an order~~ can be passed in relation to the document which is not on record. As far as the An.A1 is concerned, the case of the applicant was considered under Time Bound Promotion Scheme but he was not found fit. The ld. counsel for the applicant submits

6

that the orders may be passed in relation to the order dated 11-10-89 (An.A1) as the applicant has preferred an appeal against this order and the same is pending with the authorities. The Tribunal has an authority to decide the cases if there is an appeal pending for more than six months. However we will not decide this matter on the request of the counsel. The respondents are directed to dispose of the appeal within four months from the date of receipt of this order. The O.A. is disposed of accordingly. No costs.

Deleted vide order
dt. 23/2/95 in
RA-57/95.

per 2h
1/3/95

(B.K.SINGH)
Member(A)

'M'

(D.L.MEHTA)
Vice Chairman(J)

Substituted vide
order dt. 23/2/95
in RA-57/95.

per 2h
1/3/95

"Since the applicant did not prefer an appeal against the order dated 11.10.89 but has preferred an appeal against the order dated 5.10.88 and that appeal has been disposed of by the order dated 13.1.95, so the application is disposed of in the manner that the applicant may, if so advised, assail the aforesaid order of 13.1.95 according to law. No costs."

per 2h
SD/2-2
1/3/95