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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Registration No. ~~143~~⁹⁰⁹(T) of 1986

Vijay Singh ...

... Pltts. APPLICANT
versus

1. Union of India
2. Adhishashi Abhiyanta, P. & T. Civil
Division, Head Post Office, Kanpur..Deft- RESPONDENTS

Hon. Justice S. Zaheer Hasan, Vice Chairman
Hon. A. Johri, Member (A)

The plaintiff filed a suit for injunction for restraining the defendants not to change the designation of his post. He prayed for a temporary injunction which was rejected on 30.1.1985. He went up in appeal, which was also dismissed on 21.2.1985. Written statement was filed and issues were framed. The case was put up on 16.4.1985, when the applicant moved an application with a prayer to grant one month's time for bringing stay order from the High Court because he was filing a writ petition and the necessary papers had been handed over to a lawyer at Allahabad. The learned Mynsif rejected this application with a finding that no ground was made out and asked the plaintiff to adduce evidence. The plaintiff failed to adduce oral evidence. The evidence of the parties was treated as closed, ^{re} and arguments were heard and judgment was pronounced on the same day giving finding on every issue and dismissing the suit. Aggrieved by this order the plaintiff filed the appeal which has been transferred to this Tribunal under section 29 of the Administrative Tribunals Act.

The plaintiff was praying for time to bring stay order from the High Court. There was no ^{good} ground for rejecting this prayer and deciding the case on merits. In the normal course we give time to parties concerned to bring stay order unless

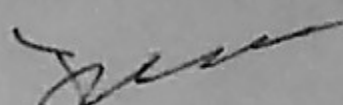
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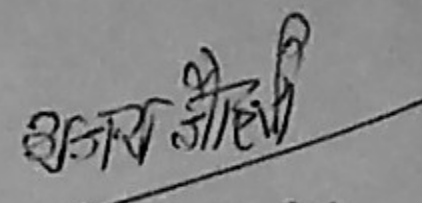
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there is some dilatory tactics etc. behind the prayer. It does not appear this application was moved with any motive. As such the appeal is allowed and the impugned order passed by the learned Munsif is set aside.

Written statement has been filed in this case. List the suit for nearing on 22.1.1987.


Vice Chairman


Member (A)

D/- 18.12.1986

AAK