

(15)
APB
Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Misc.Appn. No. of 1987

On behalf of

1. Sunil Krishna
2. Syed Khalid Rizvi Applicants

Respondents Nos.31 & 33.

In

Registration No.626 of 1987

T.K.Joshi & Others Applicants

Versus

Union of India & Others Respondents.

Hon.S.Zaheer Hasan, V.C.
Hon. Ajay Johri, Member (A)

(By Hon.S.Zaheer Hasan, V.C.)

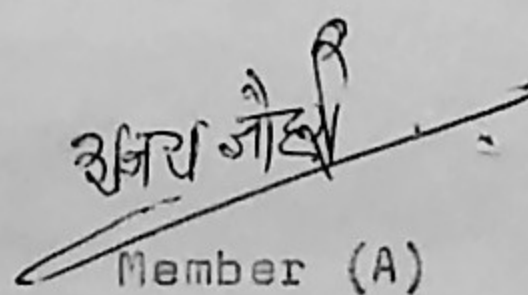
In Bhupendra Singh's case the Hon'ble Supreme Court ordered to determine the question of seniority of I.P.S. officers in the light of decision of the Supreme Court in Union of India Vs. G.N.Tiwari and Others (1986) 1 SCC 89 and Narendra Chadha and Others Vs. Union of India & Other (1986) 1 Scale 154 and other decisions interpreting analogous provisions. When this case was heard by a Bench consisting of Hon. D.S. Misra and G.S.Sharma there was ~~a split~~ ^{diff. line of} opinion so the matter was referred to Justice S.Zaheer Hasan. After the receipt of his finding the Bench concerned passed the final order which was challenged in Supreme Court. The Hon'ble Supreme Court did not pass any stay order. The learned Judges simply observed that the promotions made will be subject to the result of the appeal

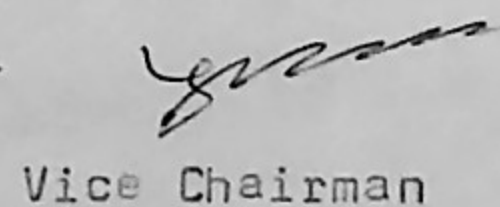
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pending in the Hon'ble Supreme Court, and that the Tribunal's judgement shall not be treated as a precedent and shall be confined to the facts and circumstances of the case. Shri R.H.Zaidi, learned counsel for Sunil Krishna and Others has moved the present application in Registration No. 626 of 1987 T.K. Joshi and Others Vs. Union of India and Others with a prayer that the case of Shri Joshi be stayed. Since the matter is pending in Supreme Court and three Hon'ble Members of the Tribunal have already expressed their opinion so the present case may be heard and decided by Hon'ble Members other than those who have given their judgements. The case of Shri T.K. Joshi is being heard by the Bench consisting of Hon. Mr. Justice S.Zaheer Hasan, Vice Chairman and Shri Ajay Johri, Member (A). The Bench which decided Bhupendra Singh's case consisting of Hon. D.S.Misra and G.S. Sharma. As already indicated when there was difference of opinion the matter was referred to Hon. Mr. Justice S.Zaheer Hasan. The applicant's contention is that there are four Members here and out of them three have expressed their opinion so this petition of T.K. Joshi should be decided by some other Members other than the aforesaid three Members. We would not like to enter into merits of this contention. Justice should appear to be done as such we fix 25.4.1988 and ^{in the meantime} the applicant will be at liberty to move the Hon'ble Chairman, Central

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Administrative Tribunal, Principal Bench, New Delhi
in this connection. The learned counsel for the
Union of India has also made a prayer that the
proceedings in the case before us should be stayed
till the disposal of the appeal in Bhupendra Singh's
case in Supreme Court or to grant time to obtain
order from the Hon'ble Supreme Court. We have
given time to Shri R.H.Zaidi as stated above,
so the learned counsel for Union of India will be
at liberty to move the Hon'ble Supreme Court by
25th April, 1988.


Member (A)


Vice Chairman

Dated the 24th March, 1988.

RKM