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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 193 OF 1986
~~P.A. No.~~

DATE OF DECISION 14-10-1986

ASARAF MOHMAD & ORS. Petitioner^s

V.H. DESAI Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondents

K.K. SHAH Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI, VICE CHAIRMAN

The Hon'ble Mr. P.M. JOSHI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

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J U D G M E N T

OA.NO. 193 OF 1986.

Date: 14-10-1986

Per: Hon'ble Mr.P.M.Joshi, Judicial Member.

The petitioners viz; (1) Shri Asaraf Mohmad, (2) Shri Bhikha Kanaji, (3) Shri Dahyabhai Parmar, (4) Shri Ravajibhai Bhopat, and (5) Shri Harjivan Laxman, have challenged the notices dated 16-6-1986 terminating their services with effect from 21.7.1986. They claim permanent absorption as they have already completed more than 180 days as required under the Railway Establishment Manual. The petitioners No.1(since 23.1.80 & No.2 (Since Nov. 1979) are working as a Carpenter, whereas No.3 & 4 are working as a Mason since December 1979 in the Office of the respondent No.3, and Petitioner No.5 is working as a Blacksmith, since 22nd March, 1979.

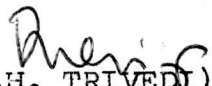
The impugned orders terminating the applicants services were stayed till further orders vide order dated 22.7.1986 and notices were issued to the respondents. The respondents, however, have not filed any reply, even though a request in this regard made by Mr. K.K. Shah, the learned Advocate for the respondents, was granted on 13.8.1986. Mr. Nanavati, the learned counsel appearing for Mr. V.H. Desai urged that the impugned notices terminating the services of the applicants were bad in law as they were issued in violation of the "status quo" order granted by the Hon'ble High Court of Gujarat in Special Civil Application No. 3701 of 1981 filed by the applicants, wherein similar notices are challenged. It is conceded by Mr. Nanavati that the said Special Civil Application

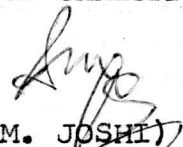
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is still pending and after the same being transferred requires to be decided by this Tribunal. It is obvious that the decision which may be arrived at in the said Application will operate valid in the present application.

The petitioners have filed a copy of the interim order of "status quo" passed in the Special Civil Application No. 3701 of 1981 passed by the Hon'ble High Court of Gujarat. The parties will have ample opportunity to contest the said Special Civil Application, when it will come up for hearing before this Tribunal. Now, when the status quo order is passed in the said Special Civil Application and the interim order is passed in the present application, no further cause survives for prosecuting this application. This position is also conceded by the learned counsel for the applicants.

In view of the aforesaid circumstances, the application stands disposed of with the observation that the merits of the petitioners' claim will be decided in the Special Civil Application No. 3701 of 1981. They will be at liberty to challenge the impugned notices also in the said application. The interim orders passed in this application will continue till the final decision of Special Civil Application No. 3701 of 1981. No order as to costs.


(P.H. TRIVEDI)
VICE CHAIRMAN


(P.M. JOSHI)
JUDICIAL MEMBER