

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

AT AHMEDABAD

OA NO. 196/86

Misc. Application No. 1 of 1986.

Viren Indulal Bhatt,

of Rajkot. Petitioner

Vs.

Union of India

and another. Respondents

Coram:- B.C.Gadgil - Vice Chairman

20.1.1986.

"Heard Raju. He showed me the copy of the
plaint, it appears that the R.C.S. No.746
of 1982 of the file of Civil Judge (S. D)
Rajkot stands transferred to this -
Tribunal. Hence R & P of that suit be -
called from the said Civil Court,

— Do on to reach this Tribunal (at its Ahmedabad Office) on or before 4.3.1986.

Sd/-

20.1.1986.

Certified to be true copy.

(By Courtesy working as Court Officer
at Bench Bombay setting at Ahmedabad
Govt. Block, 2nd Floor, High Court
Compound, Navrangpura, Ahmedabad-9).

2014/46

10/1/1986 Servicematter
Before Central Administrative (Service) Tribunal.

(2)

Spl. H. C. C. D., 46E.

(2) G. P. Bvc. (J) 293-75000-9-83.

District: Rajkot.

Stamp No. —

Advocate Mr. S. V. Raju.

Office Note, if any,
praying for int. relief.

Comm: BC 3rd Sess.

Adjourned till

tomorrow.

Pl. Vacate

Dr 17-3-86 (3rd Sess: 1)

VR.

Heard the advocates,
such as 746/82 on the
file of Civil Judge (SD)
Rajkot stands transferred
to this Tribunal and
accordingly Rep have
been received. The
grievance of the applicant
in this application
(original P.L.) is that
though he has appeared
in the oral examination
on 18-5-79 and has
passed in that
examination, still he
was not appointed
on a mistake —
assumption that the
applicant had not
actually appeared
in the oral examination.

After perusing records
of the suit, it appears
that there is much
substance in this
content. On this
background, I would

CIVIL APPEAL
No. 2 of 1986

Misc. APPLICATION

(C. S. No. 746/82
C. J. S. D.
Rajkot)

Act)
of the

(Under
(Art.

Constitution of India

To be admitted to the File.

This day of

1986

Assistant Registrar

Court's Order

Asst. Roju. He showed me the
copy of the plaint of appn
No. 746 to
that the suit No. 746 to
the C. J. S. D. Rajkot
1982 & the C. J. S. D. Rajkot
suit was transferred to this tribunal
and so as to not be
called from the said civil
court so as to reach this
tribunal (at a
suit) on 30th
April 1986. B.L. Vacate

PT
Sd/ 17-3-86
B.L. Vacate

Condam! B.P. Gadsil re

like the respondents (orig. defendants) to inform this Tribunal as to what prevents them from correcting the alleged mistake by granting employment to the plaintiff. In my opinion, the consideration in this direction by the defendants is just and equitable. Of course, the question as to whether applicant/plaintiff is entitled to seniority from the date earlier to the employment that may be given now, will have to be considered on its own merits at the final hearing of these proceedings.

Applicant should serve a copy of this order to respondent no-2 and also to serve one copy thereof to Mr. R.P. Patel.

S.O. to 16-4-86.

Br 18.3.86 B.C. Gadsil
(B.C. Gadsil) ✓

I am sorry to note that nothing has been intimated to the Tribunal as per above order, though the order has been communicated to the Railway Service Commission. I think that by next date necessary be done.

S.O. to 16-4-86.

Br 14-4-86

B.C. Gadsil
(B.C. Gadsil re)

S.O. to 30/4/86

Br 16/4/86

At the request of Mr. Patel.
Adjudged to 11.6.1986.
as a last chance.

B.C. Gadsil
30.4.86

R&P
leed.

Before the Administrative Tribunal
Additional Bench at Ahmedabad.

Application No.2 of 1986

OA No. 196/86

Viren Indulal Bhatt,
Re: Railway Colony,
Block No.74-D/1, Rukhadiya Colony,
Rajkot. ... petitioner/ori.pltff.

V/s.

1. Union of India,
notice to be served on
General Manager, Western Rly.,
Churchgate, Bombay-20.
2. The Railway Service Commission,
Notice to be served on Secretary,
having address as 1st Floor,
Churchgate, Station Bldg.,
Bombay-20. ... Respondents

CORAM: B.C. GADGIL J.
(June 24, 1986)

ORAL ORDER:

Heard the advocates. I think that this is a matter in which the Railway Administration has not been giving any attention that is really called for. Inspite of my previous order nothing has been done to clarify the position. I would, therefore, like to record the statement of the Secretary of the Railway Recruitment Board for the purpose of clarifying the position. The Secretary should remain present(along with the concerned relevant record) at Ahmedabad on 15-7-1986 at 11.00 A.M. It is made specifically clear that serious note will be taken if the Secretary would remain absent ^{in spite of} ~~in pursuance~~ of this order.

A copy of this order should be given to the applicant and also the respondent so that it could be sent to the Secretary for compliance.

Dt. 24-6-86.

B.C. Gadgil
(B.C. GADGIL J.)
V.C.

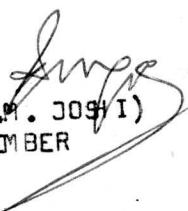
(5)

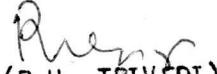
D.A. NO. 196/86

CORAM : HON'BLE MR. P.M. JOSHI .. MEMBER
HON'BLE MR. P.H. TRIVEDI .. VICE CHAIRMAN

Heard Mr. S.V. Raju, the learned counsel for the applicant. No one appears on behalf of the respondents when the matter is called out. The case is therefore adjourned to 3rd September, 1986 for further directions.

31.7.86


(P.M. JOSHI)
MEMBER


(P.H. TRIVEDI)
VICE CHAIRMAN

order below
M.A.No.67/86

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CORAM : (1) Hon'ble Mr. P.H. Trivedi (Vice Chairman)
(2) Hon'ble Mr. P.M. Joshi (~~Judge~~ Judicial Member)

Heard Mr. S.V. Raju learned counsel for the applicant. There is no reason to make any modification in the order passed in original application No.196/86, regarding the date of hearing, which is fixed on 3rd September 1986. The application stands disposed with no order as to costs.

13-8-86.


(P.M. JOSHI)

MEMBER


(P.H. TRIVEDI)

VICE CHAIRMAN

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O.A. No. 196/86

CORAM : HON'BLE MR. P.H. TRIVEDI
HON'BLE MR. P. M. JOSHI

.. VICE CHAIRMAN
.. JUDICIAL MEMBER

3.9.86

Heard the learned advocate Mr. Raju for the applicant and Mr. K.K. Shah for the respondents. Application is admitted. The respondents should have complied with the earlier order of 24/6/86 of this Tribunal regarding appearance of the officer ~~stated therein~~ ^{of 24/6/86} ~~stated therein~~ ^{Along with} ~~Name to explain &~~ and show the documents referred to in such orders. It is directed that on next date compliance with the order should be made. The case is adjourned to 17th September, 1986 for final hearing of the original suit No. 746/82 which should be processed by the Registry when received.

Rajiv
(P. H. Trivedi)
V.C.

J.M.
(P. M. Joshi)
J.M.

CORAM: Hon'ble Mr. P. H. TRIVEDI
Hon'ble Mr. P. M. JOSHI

... Vice Chairman
... Judicial Member

17.9.'86

The learned advocates Mr. S. V. Raju for the applicant and Mr. K.K. Shah for the respondents appear. This case has been transferred as regular civil suit no. 746 of 82, of the Court of Civil Judge, Rajkot, and taken on the register of this Tribunal, as TA/213/86. The applicant's case is that although he had appeared for an interview and obtained marks higher than the score of some of the others who have been offered appointment, he was not conferred an appointment due to some error or mistake. In order to ascertain the position with reference to the relevant documents, the respondent was asked to produce them and, after inspection of such documents, the following order is made:

Mr. S.S.Kabre, Jr. Clerk appears on behalf of the Railway Recruitment Board. The learned advocate for the respondents makes a statement that Mr. Tejwani, Secretary of Railway Recruitment Board appeared on 15.7.'86, alongwith the documents as had been desired by the Tribunal, and the respondent is ready to-day with the documents for satisfying the Tribunal and as is said in the earlier orders. Accordingly we have seen the relevant documents which are specified viz. Book no. 8, pages 236,237 and 238, Head Clerk's statement dated 27.11.'81 and the file RSE/IYE 79/WR. The applicant was interviewed on 18.5.'75, although he was earlier called for interview on 25.5.'79, and that he acquired 142^{1/2} and was, therefore eligible for being offered appointment but due to some mistake this was not taken into account. This position has been conceded by the learned advocate for the respondent, Mr. K. K. Shah. It is, therefore, directed that the plaintiff be appointed to Class III post with effect from the date on which the next person who secured marks less than him has been given such an appointment subject to the applicant's clearing such medical and other tests as may be required before he joins. All other benefits will follow accordingly. The application is laid down to rest. Cost of Rs. 300/- and cost of the stamp, and the charges for witnesses as assessed and fixed by the Registry on the basis of records should be borne by the respondent.]

Parikh
(P. H. TRIVEDI)
V.C.

Joshi
(P. M. JOSHI)
J.M.

M.A./176/86

in

O.A./196/86

CORAM : HON'BLE MR. BIRBALNATH	..	A.M.
HON'BLE MR. P.M. JOSHI	..	J.M.

20.11.1986

Heard Mr. S.V. Raju, the learned counsel for the applicant. Issue urgent notice to show cause why the contempt proceedings should not be taken against the respondents for not complying ^{with} the directions issued in O.A./196/86 dated 17.9.86, returnable on 11.12.1986.

✓ 20/11/86
(BIRBALNATH)
A.M.

Joshi
(P.M. JOSHI)
J.M.

CORAM: HON'BLE MR. P.H.TRIVEDI : VICE CHAIRMAN
HON'BLE MR. P.M. JOSHI : JUDICIAL MEMBER

11-12-1986

Neither the applicant nor his advocate appears.

The case is adjourned to 1-1-1987 for further
direction.

Phew
(P.H.TRIVEDI)
VICE CHAIRMAN.

Ames
(P.M.JOSHI)
JUDICIAL MEMBER.

*TR/er.