

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

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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 <sup>on</sup> 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).

20/1/86

**For 20/1/1986 Servicematter  
Before Central Administrative (Service) Tribunal.**

(2)

(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.**

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

Court: B.C. Gadhgil

Adjourned till  
tomorrow.

Dr 17-3-86 (B.C. Gadhgil)  
vr.

Heard the advocates,  
such as 746/82 on the  
file of Civil Judge (SD)  
Rajkot stands transferred  
to this Tribunal and  
accordingly R.P. have  
been received. The  
grievance of the applicant  
in this application  
(original P.H.) 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 mistaken —  
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 the  
contention on this  
belee ground, I would

CIVIL APPEAL No. 2 of 1986  
Misc. APPLICATION  
(C.S. No. 746/82 of  
C.J.-S.D.  
Rajkot)

(Under  
(Art. \_\_\_\_\_ Act)  
of the

Constitution of India

To be admitted to the File.

This day of 198 .

Assistant Registrar

**Court's Order**

Heard Raju. He showed me the  
copy of the plaint. It appears  
that the R. case no. 746 of  
1982 of the C.J.-S.D. Rajkot  
stands transferred to this Tribunal.  
Hence R & P of that suit be  
called from the said Civil  
Court so as to reach this  
Tribunal (at  
(at 115 Bhawad road &  
three) on or before  
4.3.1986 B.C. Gadhgil  
PT  
Sd/- 17-3-86  
Dr 7-3-86

Cosam! B.P. Gadsil vs

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.  
Hence, 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 respondents  
no. 2 and also to  
serve one copy thereof  
to Mr. R.P. Bharti.

S.O. to 31-3-86.

Dr 183 86 B.P. Gadsil  
(B.P. Gadsil vs)

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 hope that by next  
date necessary <sup>work</sup> be  
done.

S.O. to 16-4-86.

Dr 1-4-86 B.P. Gadsil vs  
(B.P. Gadsil vs)

So to 30/4/86

Dr 16/4/86

At the request of Mr. Bharti  
Adjourned to 11.6.1986  
as a last chance.

B.P. Gadsil  
30.6.79.

R & P  
reed.

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/orig.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. In spite 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 <sup>in spite of</sup> ~~in pursuance~~ of this order. A copy of this order should be given to the applicant and also to the respondent so that it could be sent to the Secretary for compliance.

Dt. 24-6-86.

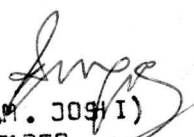
*B.C. Gadgil*  
(B.C. GADGIL .J.)  
V.C.

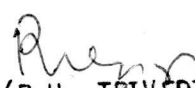
O.A. NO. 196/86

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

6

CORAM : (1) Hon'ble Mr. P.H. Trivedi ( Vice Chairman)

(2) Hon'ble Mr. P.M. Joshi ( ~~xxxx~~ 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.

*[Signature]*  
(P.M. JOSHI)

MEMBER

*[Signature]*  
(P.H. TRIVEDI)

VICE CHAIRMAN

7

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 ~~of the~~ *of the*

*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.

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

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



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O.A. 196/86

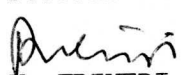
CORAM: Hon'ble Mr. P. H. TRIVEDI  
Hon'ble Mr. P. M. JOSHI


. . 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. Tejawani, 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<sup>5 marks</sup> 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.]

  
( P. H. TRIVEDI )  
V.C.

  
( 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 <sup>with</sup> the directions issued in O.A./196/86 dated 17.9.'86, returnable on 11.12.1986.

2/29/11/86

(BIRBALNATH)  
A.M.

*[Signature]*  
(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.

*P.H. Trivedi*  
(P.H.TRIVEDI)  
VICE CHAIRMAN.

*P.M. Joshi*  
(P.M. JOSHI)  
JUDICIAL MEMBER.

\*TR/er.