

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 435 of 1986 ~~198~~  
~~1986~~

DATE OF DECISION 12-08-1988

Smt. Kolanji Periyaswamy Petitioner

Shri B. B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Shri R. P. Bhatt Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. Trivedi : Vice Chairman

The Hon'ble Mr.

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.

9

J U D G M E N T


OA/435/86

12-08-1988

Per : Hon'ble Mr. P. H. Trivedi : Vice Chairman

The same cause was a subject of our decision in TA/1338/86 dated 6-5-1988 in which it was ordered that on the petitioner's reporting within 10 days from the date of that order to the Executive Engineer, Rajkot Division she will be taken back in service by him and he will pass necessary orders of posting. The respondents in that case had agreed to cancel the impugned orders of transfer. From the submissions made by the learned advocate for the petitioner it is not clear whether the petitioner so reported within the time limit prescribed. She seems to have filed her representation only on 17th May, 1988. The learned advocate for respondents in their written submissions has stated that the matter having been disposed of by our aforesaid order in TA/1338/86, the petition does not survive.


2. While agreeing with the respondents that the petition does not survive as the case has already been disposed of, it must be stated that the respondents should not stand on the mere technicality of the petitioner's possible delay in reporting for duty beyond the period of 10 days stated in the order. While the petitioner cannot be allowed to choose her own time for reporting for duty, if she has made a representation on 17th May, 1988 which is only slightly after the expiry of the period, stated in the order, this should not stand in her way in getting a favourable response from the respondents. With these observations the case is disposed of. There shall be no order as to costs.

  
( P. H. Trivedi )  
Vice Chairman

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman  
Hon'ble Mr. P.M. Joshi ... Judicial Member

10/05/1988

Heard learned advocates Mr. B.B. Gogia and Mr. M.R. Bhatt for Mr. R.P. Bhatt for the applicant and respondent respectively. As suggested by both the advocates this case is of transfer so the case be put up before Single Judge. The case is accordingly adjourned to 17th May, 1988 for final hearing before Single Judge Bench.

  
( P H Trivedi )  
Vice Chairman

  
( P M Joshi )  
Judicial Member

\*Mogera