

OA/170/87

with

MA/634/88

&

OA/87/86

with

MA/167/86

in

MA/632/88

5


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

7/12/1988

Heard learned advocates ~~for the~~ Mr.N.J.Mehta and Mr.J.D.Ajmera for the applicant and the respondents. The impugned order in pursuant to the order dated 26.3.87 have been over taken by subsequent order dated 27.5.1988 at Annexure 'F'. There is ~~no~~ substance in the contention that the policy governing the orders dated 27.5.88 should apply to the impugned orders of transfer and accordingly such impugned orders passed in pursuant to the order dated 26.3.1987 <sup>are</sup> ~~be~~ quashed and set aside. The respondents are at liberty to pass fresh orders if found necessary in accordance with the orders dated 27.5.88 at Annexure 'F' and the petitioners will be at liberty to file fresh petitions if they have any case relating thereof. With this direction and observation, the case is disposed of.

In view of the orders passed in OA/170/87, MA/167/86, ~~and~~ MA/634/88 and MA/632/88 stand disposed of.

  
(P.H.Trivedi)  
Vice Chairman

  
(P.M.Joshi)  
Judicial Member

O.A./170/87

with

M.A./176/86

in

O.A./87/86

(S)

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

10/02/1988

Learned advocate Mr. J.D. Ajmera for the respondents requests for adjournment to which Mr. Radhakrishnan for Mr. N.J. Mehta for the ~~xx~~ applicant has no objection. The case be posted on 13th April, 1988 for final hearing.

*Phin*  
( P H Trivedi )  
Vice Chairman

*Jy*  
( P M Joshi )  
Judicial Member

\*Mogera

MA/534/87  
in  
OA/170/87

9

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

6/11/1987

Heard learned advocates Mr. Radhakrishnan for Mr.N.J.Mehta learned counsel for the applicant and Mr. J.D. Ajmera learned counsel for the respondent. So far as the seniority list is concerned respondent will produce the same with a copy to the applicant as updated till 1-4-1987 and if available. So far as the other documents are concerned there is no specific fact urged in support of which they are required to be produced and if they are being relied upon for mala fide, submissions may be made for which the respondents will be heard <sup>in</sup> ~~upon to meet~~ <sup>production</sup> his reply and these documents are not considered. With this order miscellaneous application 534 of 1987 is disposed of. Respondents to produce the documents within 15 days from the date of this order.

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

R.A./14/89

in

O.A./170/87

16

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

16.10.1989

Heard learned advocate Mr. J.S. Yadav for Mr. J.D. Ajmera, ~~xxx~~ for the applicant. We are unable to agree that there is any ambiguity in the order dated 7.12.1988 which is sought to be the subject of the petition for clarification. Learned advocate has referred us to para 3 of the petition and made out that subsequent to 7.12.1988, fresh policies <sup>order</sup> are issued on 25.11.1988 and that without taking into account our order dt. 7.12.1988 as it was not communicated to him, the orders had been issued for transfer in para 3 of the petition. We do not discover any lack of clarity or <sup>Ambiguity</sup> obligatory in the order dt. 7.12.1988 and how the competent authority is prevented for passing fresh orders in the light either of the orders dt. 27.5.1988 or any subsequent orders which are legal and valid governing <sup>the</sup> question of transfer. We also notice that the application has been filed on 27.7.1989 when the order sought to be clarified is dt. 7.12.1988 considerably after the period allowed under <sup>Rule</sup> section 17 of the Administrative Tribunals <sup>Procedure</sup> Act, <sup>1985</sup> 1985. The petition is both, time barred and on merits not deserve of the relief sought alongwith the above observation. Accordingly, the application is rejected.

( P H Trivedi )  
Vice Chairman

( P M Joshi )  
Judicial Member