

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(6)

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A H M E D A B A DB E N C HO.A. No.
~~XXXDX~~

366

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DATE OF DECISION 14.2.1991Mr. J.N. Barot

Petitioner

Mr. U.M. Shastri

Advocate for the Petitioner(s)

Versus

Union of India & Anr.

Respondent

Mr. N.S. Shevde

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. R.C. Bhatt 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?

Mr. J.N. Barot,
working as Additional P.W.I.,
Sanand Station,
Western Railway,
SANAND.
(Advocate-U.M. Shastri)

.. Petitioner

Versus

1. Union of India,
through, General Manager,
Western Railway,
Churchgate,
Bombay-400 001.

2. Divisional Railway Manager,
Western Railway,
Pratapnagar,
Baroda.
(Advocate-Mr. N.S. Shevde)

.. Respondents

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

Hon'ble Mr. R.C. Bhatt .. Judicial Member

O.A. No. 366 of 1987

O R D E R

Date : 14.2.1991

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

Heard Mr. U.M. Shastri and Mr. N.S. Shevde, learned advocates for the petitioner and respondents. This petition was filed under section 19 of the Administrative Tribunals Act, 1985, is for relief of direction for setting aside order dt. 11.7.1987 at Exhibit - B, by which the applicant challenges the assigning of seniority to those who are his juniors by virtue of trade test and on the basis of the date 15.12.1969, on which the petitioner was trade tested as was done by the respondent administration in the case of Mr. G.V. Shaikh. The entire thrust of the petitioner's case is to draw the parallel of his case with that of Mr. Shaikh. The respondents have passed a speaking order on the direction of

[Signature]

this Tribunal dated 9.10.1986 at Annexure A-4. The said speaking order is at Annexure A-2 dt. 11.7.1987 in which parallel reply has been give on the representation dt. 20.6.1967. The petitioner has not produced a copy of his representation dated 20.6.1967. The reply filed by the respondents clearly states that Mr. Shaikh's appointment was all along prior to the petitioner and as such there is a clear distinction between the petitioner's case and that of Mr. Shaikh and cannot be supported on the basis of the parallel to that of Mr. Shaikh. So far as the trade tests are concerned, according to the respondents, no junior to the petitioner were trade tested in preference to the petitioner who was on successive posts drawing higher pay and as no juniors were preferred to the petitioner for trade test no disadvantage was arisen against him. We asked learned advocate for the petitioner whether there was any challenge to these contentions as stated in the reply and during the submissions, but there was no opposition to these contentions. We do not, therefore, find that the petitioner has made out any case for supporting his pleas. The petition is accordingly rejected. No order as to costs.

Nesal
(R C Bhatt)
Judicial Member

Phewar
(P H Trivedi)
Vice Chairman