

OA/61/87

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Coram: Hon'ble Mr.P.Srinivasan : Administrative Member

Hon'ble Mr. P.M.Joshi : Judicial Member

29/6/1987

Mr.G.A.Pandit, learned counsel for the applicant present. Mr.R.M.Vin learned counsel for the respondent is also present. At the request of Mr.Vin to which Mr.Pandit has no objection adjourned for final hearing on 27th - August, 1987.

29/6/87

(P.Srinivasan)  
Administrative Member

(P.M.Joshi)  
Judicial Member

Shri Ramshiromani Rajnarayan,  
Assistant Guard/Brakesman,  
Western Railway, residing at  
Railway Colony, Nehrubagar,  
Chawl No.182, Room No.C,  
Surat.....

..... Petitioner

(Adv. : Mr. G. A. Pandit)

Versus

1. Union of India, through  
The General Manager,  
Western Railway,  
Churchgate, Bombay
2. Divisional Railway Manager,  
Western Railway,  
Bombay Central, Bombay.
3. Station Superintendent,  
Western Railway,  
Surat.
4. D.S.O.E., BCT,  
Bombay Central....

..... Respondents

(Adv. : Mr. R. M. Vin)

O R A L      O R D E R

OA/61/87

19-07-1989.

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

Heard learned advocates Mr. G. A. Pandit and Mr. R. M. Vin for the petitioner and the respondents respectively.

The petitioner seeks relief in terms of declaring and setting aside the order dated 29-1-1987 at Annexure 'A' and has earlier sought interim relief pending the disposal thereof of non-implementation of the said order. It is noticed that there is no proper order of reversion nor is it possible to construe Annexure 'A' dated 29-1-1987 as anything more than a communication from one officer ~~to~~ of the respondent authorities to another regarding the intention of utilising the service of the petitioner. It is further noticed that subsequently orders have been issued by which the petitioner

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(6)

has been promoted albeit on ad hoc basis and without ~~noting~~ any prescriptive right of continuation to the promotion post by orders dated 27-6-1985 at page 21 and ~~xxxx~~ dated 27-3-1987 at page 28. In the circumstances we have no difficulty ~~whatever~~ in concluding that there being no proper order of reversion, The question of giving relief in ~~xxxxx~~ x terms in which the petitioner has sought has any impediment. It is accordingly decided that no implementation of any reversion is now ~~an issue~~ <sup>be implemented</sup> <sup>Communicalion</sup> so far as the ~~order~~ dated 29-1-1987 is concerned.

With these observations the case is disposed of.  
No order as to costs.

*Pr. Trivedi*

( P. H. Trivedi )  
Vice Chairman

*Joshi*  
( P. M. Joshi )  
Judicial Member

*Shah/-*