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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

CP/1/97 in
O.A. NO. 323/88
T.A. NO.

DATE OF DECISION 16.7.98

Vasant Modi

Petitioner

Mr.K.S.Jhaveri

Advocate for the Petitioner (s)

Versus

General Manager, W.Rly. Bombay & Ors. Respondent

Mr.N.S.Shevde

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. V.Radhakrishnan : Member(A)

The Hon'ble Mr. Laxman Jha : Member(J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Vasant Modi
T-5 Saraswati Nagar
society, Opp:D Cabin
Sabarmati,Ahmedabad.19.

.... Applicant.

(Advocate: Mr.K.S.Jhaveri)

VERSUS

1.General Manager,Western
Railways,Churchgate
Bombay.

2.Shri M.Ravindra
General Manager Western
railways or his successor
in the office of G.M.
Western Railway,Churchgate
BOMBAY.

3.Divisional Railway Manager,
Western Railway Madodara Dn.
Pratapnagar,Vadodara-4.

4. Shri J.P.Bhatra
Divisional Railway Manager
Western Railway or his
successor in the office of
D.R.M Western Railways.
Vadodara Dn.Pratapnagar
VADODARA .4.

.... Respondents

(Advocate: Mr.N.S.Shevde)

O R A L O R D E R

Date: 16.7.1998.

CP/1/97 in OA/323/1988

Per: Hon'ble Shri V.Radhakrishnan : Member(A)

Mr.Shevde states that the respondents have implemented the judgment. Mr.Jhaveri counsel for the applicant is not present. Accordingly, C.P.stands disposed of with liberty to the applicant to review the same in case he has any further grievance. Notice discharge.

laxman Jha
(Laxman Jha)
Member (J)

V.Radhakrishnan
(V.Radhakrishnan)
Member (A)

DATE Office Report.

22-9-98

This RA may be treated as MA for restoration.

In view of the affirmation made by the applicant that the respondents have not implemented the judgment passed in OA/323/88 dated 3.8.94, the order passed in CP dated 16.7.98 is recalled and the same may be revived. Notice may be issued to the respondents, returnable on 26.10.98.

RA is disposed of accordingly.

No file issued
Dt 8.10.98
RPAD issued
from, RA No. 182

3.4 (Signature)
(Laxman Jha)
Member (J)

(V. Radhakrishnan)
Member (A)

(Liverpool, S.A.)
(T) return

26-10-98

(Part C)
As per direction
given this
matter is placed
in S-S-99 File
(CP 1/97)
pcj
2244

aab

MA/638/98 has already been disposed
of on 22-9-98.

(P.C. Kannan)
Member (J)

(V. Radhakrishnan)
Member (A)

pt

At the request of Mr. Rana on behalf
of Mr. Xaveri, the time is granted for filing
rejoinder. Adjourned to 05.07.99.

(P.C. Kannan)
Member (J)

(V. Radhakrishnan)
Member (A)

mb

THE CONSTITUTED COURT
SPECIAL

DATE Office Report.

ORDER

5.7.99	At the request of Mr.Rana on behalf of Mr.Jhaveri, adjourned to 23.7.99.	(P.C.Kannan) Member (J)	(V.Radhakrishnan) Member (A)
23.7.99	Division Bench matter, adjourned to 4.8.99.	nkk	(A.S.Sanghavi) Member (J)
4.8.99	Heard Mr.Jhaveri and Mr.Shevde. Judgment reserved.	(P.C.Kannan) Member (J)	(V.Radhakrishnan) Member (A)
13.8.99	Judgement pronounced today in open Court.	<i>R.Jhah</i> (CJ)	

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**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

C.P.No.1/97

in

OA .No. 323/88

:Date of Decision: 13.8.99

Shri Y.T.Modi

:Petitioner(s)

Mr.K.S.Zhaveri

: Advocate for the petitioner(s)

Versus

Union of India & Ors.

: Respondent(s)

Mr.N.S.Shevde

: Advocate for the respondent(s)

CORAM

Hon'ble Mr. V. Radhakrishnan

: Member(A)

Hon'ble Mr. P.C.Kannan

: Member(J)

JUDGMENT

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Shri Y.T.Modi,
T-5, Saraswati Nagar,,
Society, Opp.D Cabin,
Sabarmati, Ahmedabad-19.

(a) :Applicant

Advocate: Mr.K.S.Zhaveri

Versus

1. General Manager,
Western Railway,
Churchgate, Bombay.
2. Shri M.Ravindra,
General Manager, Western Railways
Or his Successor in the office of G.M.,
Western Railway, Churchgate,
Bombay.
3. Divisional Railway Manager,
Western Railway, Vadodara Divn.,
Pratapnagar, Vadodara-4.
4. Shri J.P.Bhatra,
Divisional Railway Manager,
Western Railway or his
Successor in the office of
D.R.M.Western Railway,
Vdodara Dn..Pratapnagar.

:Respondents

(Advocate: Mr.N.S.Shevde)

JUDGMENT
C.P.No.1/97 in OA/323/88

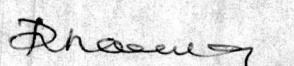
Date: 13-8-99

Per: Hon'ble Mr.V.Radhakrishnan : Member(A)

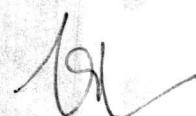
[Signature]
It is seen that the judgment of the Tribunal in OA/323/88 is dated 3.8.94 and Contempt Application has been registered on 1.1.97. As pointed out by the respondents, the C.P. is liable to be dismissed on the ground of delay only. However, it is seen that even

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on merits Contempt Application is not maintainable inasmuch as the applicant has not pointed out any lapse on the part of the Respondents in not implementing the judgment of the Tribunal dated 3.8.94. If the applicant has got any grievance regarding seniority/promotion, he is free to reserve the legal remedy as may be available. In so far as the CP is concerned, it is not maintainable and disposed of accordingly. Notice is discharged.



(P.C.Kannan)
Member(J)



(V.Radhakrishnan)
Member(A)

aab