

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
NEW XXI EXH

O.A. No.
~~XXAANX~~

130 OF

1988

DATE OF DECISION 7th Oct. 1991.

Shri Ibrahim Musa Patel Petitioner

Party in person

Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri N.S. Shevde,

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. K.J. Raman : Administrative Member

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?

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Shri Ibrahim Mussa Patel
(Party in person)

...Applicant.

Versus
Union of India and Others
(Advocate : Mr.N.S.Shevde)

...Respondents.

CORAM : Hon'ble Mr.K.J.Raman : Administrative Member
Hon'ble Mr.R.C.Bhatt : Judicial Member

ORAL ORDER

O.A. NO. 130 OF 1988

Dated : 7th Oct.1991.

Per : Hon'ble Mr.K.J.Raman : Judicial Member

No one has appeared on behalf of the applicant. The applicant's counsel is already retired from the case. Sufficient time has been given to the applicant to make alternative arrangement or for appearing personally. The applicant has not remained present for last four occasions. A notice issued to the applicant has been received back with a remark to the "not known". In the circumstances, ~~if~~ the application is dismissed for default of the applicant. Order issued.

nebu
(R.C.Bhatt)
Judicial Member

K.J.Raman
(K.J.Raman)
Administrative Member

AIT

(11)

M.A.St.517/1991

in

O.A.No. 130/1988

Date	Office Report	ORDER
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17-3-92

None present for the applicant.

In the interest of justice, two more weeks
are given for removal of objection.

R.C.Bhatt
(R.C.Bhatt)
Member (J)

Date	Office Report	ORDER
12-9-94		<p>Mr.Jhaveri and Mr.Shevde are not present.</p> <p>Time to remove objections granted till 16-9-1994.</p> <p><i>MR</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p>
16/9/94		<p>*ssh</p> <p><u>M.A.St.517/91</u></p> <p>The office objections are very minor. One of them, namely, <u>that</u> copy of the M.A. is not furnished to the other side is now removed by furnishing a copy of the M.A. to Mr.Shevde. This office objections and other office objections are treated as having been removed. M.A. allowed. M.A. may be given regular number.</p> <p><u>M.A. 453/94</u></p> <p>Heard the learned advocates. M.A. allowed. dated 7.10.1991</p> <p>Order/dismissing the O.A.130/88 is hereby set aside and the said O.A. is not restored to file. <u>It is</u> fixed for final hearing on 5.10.1994.</p> <p><i>MR</i></p> <p>(V.Radhakrishnan) Member (A)</p> <p><i>NP</i></p> <p>(N.B.Patel) Vice Chairman</p>
		<p>aab</p>

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IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

O.A. No. 130/88
~~TAX NOX~~

DATE OF DECISION 05-10-1994

Shri Ibrahim Patel Petitioner

Mr. K. S. Zhaveri Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. N. S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel : Vice Chairman

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

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 ?

No

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: 2 :

Shri Ibrahim Patel,
Train Clerk,
Office of Railway Station Master,
Banuwa.

: Applicant

(Advocate: Mr.K.S.Zhaveri)

Versus

1. Union of India
Through:
General Manager,
Western Railway,
Churchgate, Bombay-400 001.
2. Divisional Railway Manager,
Vadodara Division,
Pratapnagar, Vadodara-390 005.

3. Senior Division
Operating Superintendent,
Baroda.

: Respondents

(Advocate: Mr.N.S.Shevde)

O R A L O R D E R

O.A./130/88

Date: 05-10-1994

Per: Hon'ble Mr.N.B.Patel

: Vice Chairman

On behalf of the applicant, his learned advocate Mr.K.S.Zhaveri states that the applicant is prepared to make a representation to the General Manager for reconsideration of his case for regularisation as Train Clerk (Class-III) on the same basis on which regularisation is accorded to one Shri Sharda Prasad by the order of the General Manager

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dated 6.6.1986. According to the applicant, just as Sharda Prasad had taken training at Zonal Training Centre, Udaipur from 5.10.1972 to 1.11.1972, he (the applicant) had also taken training at the same Centre from 25.11.1974 to 4.12.74. This version of the applicant is not admitted by the Department. However, if, as a matter of fact, it is actually found that the applicant's version that he had taken the same training from 25.11.1974 to 4.12.1974 is true, there is no reason why the applicant should not be given the same treatment in the matter of regularisation as is given to Shri Sharda Prasad by the aforesaid order of the General Manager. The applicant is directed to make a representation to the General Manager within a period of three weeks hereof and may also adduce all evidence, which might be there in his custody, showing that he had taken training at ZTC, Udaipur in 1974. The General Manager may examine this evidence from Banjawa Railway Station and from Zonal Training Centre, Udaipur as well as from the D.R.M., Baroda to verify the claim of the applicant that he had taken training at ZTC, Udaipur. If the General Manager finds that the applicant had, in fact, taken training at ZTC, Udaipur, the General Manager should consider giving ^{the} same treatment to the applicant as is given to Shri Sharda Prasad in the matter of regularisation of the applicant as Train Clerk. Even if it is found that the applicant has not taken training as claimed by him, the General Manager may consider the case of the applicant for regularisation in view of the fact that the applicant has been working as Train Clerk for about 23 years since 12.3.1971 and whether the condition of

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taking training or passing selection test should not now be relaxed in his case and he should not be accorded regularisation. If the General Manager decides to regularise the applicant as Training Clerk, he may also fix the date with effect from which regularisation ~~is to~~ should be given to the applicant. The General Manager is directed to consider and decide the representation of the applicant within a period of three months ~~after~~ ^{of the} receipt of the representation by him and to communicate his decision to the applicant within a period of three weeks after it is taken by him.

2. In view of the above directions, Mr. Zhaveri seeks permission to withdraw the O.A. with liberty to the applicant to file a fresh O.A. in the event of the applicant feeling aggrieved by the decision which the General Manager might take and communicate to him. Permission granted with liberty as prayed for. O.A. stands disposed of as withdrawn accordingly. No order as to costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

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