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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 554 OF 1988
Tax No.

DATE OF DECISION 29-7-1993.

Chiramjilal N. Gurjar, **Petitioner**

Mr. D.M. Thakkar, **Advocate for the Petitioner(s)**

Versus

Union of India & Ors. **Respondents**

Mr. B.R. Kyada, **Advocate for the Respondent(s)**

CORAM :

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

The Hon'ble Mr. M.R.Kolhatkar, Admn. 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 ?

Chiramjilal N. Gurjar,
L/11, Opp.Railway Station,
Mehsana.

.... Applicant.

(Advocate: Mr. D.M.Thakkar)

Versus.

1. Union of India
(Notice to be served through
The General Manager,
Western Railway,
Churchgate, Bombay).
2. The Divisional Railway Manager(E),
Western Railway,
Kothi Compound, Rajkot.
3. The Chief Mechanical Engineer,
Western Railway,
Churchgate, Bombay. Respondents.

(Advocate: Mr. B.R.Kyada)

ORAL ORDER

O.A.No. 554/1988

Date: 29-7-1993.

Per: Hon'ble Mr. M.R.Kolhatkar, Admn. Member.

Heard Mr. D.M.Thakkar, learned advocate for the applicant and Mr. B.R.Kyada, learned advocate for the respondents.

2. This is an Original Application under section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:

"(A) YOUR HONOUR be pleased to quash and set aside the impugned action of the respondents in not empaneling the applicant for the promotion to the post of Asst.Mechanical Engineer(Diesel) in the Order dated 22.12.1987, and be further pleased to declare that the applicant is entitled for promotion to the post of Asst.Mechanical Engineer (Diesel);

(B) YOUR HONOUR be pleased to restrain the respondents from finalising the penal for the post of Asst. Mechanical Engineer (Diesel), without considering the case of the applicant pending admission hearing and final disposal of this application;

(C) YOUR HONOUR be pleased to quash and set aside the adverse remarks in the C.Rs for the period ending 31.3.1986 communicated to the applicant vide a communication dated 5.9.1986, as confirmed by the appellate authority in the order dated ; and

(D) YOUR HONOUR be pleased to grant any other and further reliefs, as are deemed fit, in the interest of justice; "

3. On 11.10.1988 the learned counsel for the applicant had declared at the bar that he does not press the relief, referred to in sub clause(C) of para 11 of the application to avoid plurality of reliefs in the application and the Tribunal had recorded the same.

4. We have noted that in O.A.725/88 the precise relief was sought and this Tribunal by its order dated 14.12.89 had directed the respondents to dispose of the representation by recording a speaking order with reference to the applicant's representation dated 5.9.86. Consequently, an order was passed by D.R.M. on 23rd July, 1990. Against this order, the applicant had come up to this Tribunal in O.A. 30/91 in which he had contended that the order dated 23rd July, 1990 did not comply with this Tribunal's order dated 14.12.89 in O.A. 725/88 directing the respondents to pass,

in terms, a speaking order. On verification of the position, although the original record was not placed before us, it is ascertained that O.A. 30/91 was disposed of by the Tribunal on 23rd July, 1991 with direction to the respondents to pass a speaking order afresh. It is also admitted that such a speaking order has not so far been passed.

5. It is conceded by the petitioner that the relief(A) which is the main relief claimed by him, namely "to quash and set aside the impugned action of the respondents in not empanelling the applicant for the promotion to the post of Asst. Mechanical Engineer(Diesel) is dependent on the possible expunction of the adverse remarks or a similar relief that the petitioner may get in terms of the direction issued by this Tribunal in O.A. 30/91.

6. After hearing the arguments of the parties therefore, we feel that this case can be disposed of by giving the following direction:

O R D E R

The respondents to comply with this Tribunal's order dated 23rd July, 1991 in O.A. 30/91 within three months from today and, thereafter, on the light of that decision and treating the application of the applicant in this O.A. 554/88 as a representation, take a decision on the prayer contained therein for empanelment for promotion for the post of Mechanical Engineer (Diesel)

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within a ~~for~~^{fewer} than period of 3 months. The orders that may be passed by the respondents should be promptly communicated to the applicant.

If the applicant feels aggrieved by the orders, he is at liberty to approach this Tribunal within 10 days of the receipt of the orders. O.A. 554/88 is disposed of accordingly. No orders as to costs.

M.R.Kolhatkar

(M.R.Kolhatkar)
Member (A)

R.C.Bhatt

(R.C.Bhatt)
Member (J)

vtc.