

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

M.A./O.A./T.A./ 669 / 1988

R. I. Patel

Applicant(s)

Versus

H.B. Potani

Adv. for the petitioners.

Union of India & O

Respondent(s)

B.R. Kyada

Adv. for the respondents.

SR.NO.	DATE	ORDERS
		Seniority (copy not sent)
	29/12	- RPAO received from Applicant. - RPAO received from Respondent. Which is kept with on 1658/88
	20/12/88	Mr. B.R. Kyada requests for time Mr. H.B. Antani has no objection. Allowed. Adjourned to 19/1/89 for admission. PBM 20/12
	23/2/89	PLA (st. change from 19-1-89 to 23-2-89 due to heavy board)
	23/3/89	PLA (st. change from 23-2-89 to 23-3-89 due to heavy board Adv. of Applicant inform)
	23/3/89	Mr. B.R. Kyada requests for time. Mr. M.B. Antani has no objection. The case be posted on 17/4/89 for admission. A. V. K. S. Deputy Registrar (J) Central Administrative Tribunal, Ahmedabad Bench.

25/4 P. sent copy of order to 89/80
approved

(1)

Shri Karshanbhai Ishwardas Patel,
Pharmacist, Western Railway,
Dispensary, Palanpur.

.. Applicant

Versus

Union of India
through: General Manager,
Western Railway, Bombay.

The Divisional Railway Manager,
Western Railway, Ajmer Division,
Ajmer.

.. Respondents.

Coram : Hon'ble Mr. P.M. Joshi

: Judicial Member

Hon'ble Mr. P.S. Chaudhuri

: Administrative
Member

ORAL ORDER

17/4/1989

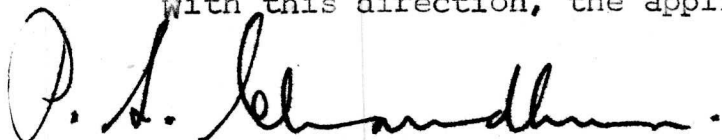
Per: Hon'ble Mr. P.M. Joshi

: Judicial Member

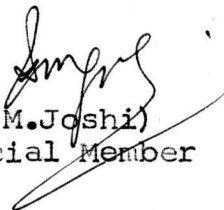
In this application filed by the petitioner Shri Karshanbhai Ishwardas Patel, under Section 19 of the Administrative Tribunals Act, 1985, he has challenged the validity of the order dated 20/5/1987 (Annexure-A) whereby his seniority has been fixed at a lower stage. According to him, the Railway authorities have not considered the continuity in his service and, for the first time, they have informed him that he has been placed at a lower place, as, in past, he had obtained mutual transfer.

2. Shri B.R. Kyada the learned counsel for the respondent has opposed the admission on the ground that when the petitioner has filed a representation on 22.6.1987 (Annexure-A/11) and the same has not been decided, it cannot be said that the petitioner has exhausted the remedy available to him. It is true that a period of six months has already passed since he filed his representation and accordingly, he is justified to move this Tribunal for redressal of his grievance. But now the petitioner is still willing to exhaust the remedy in awaiting for the decision of the respondents, provided his representations are

decided within a period of three months. Having regard to the fact that the representations are pending for a pretty long time, it is desirable that such representations are decided expeditiously. The competent authority of the Respondent Railway Administration are directed to dispose of the representation of the petitioner by considering the present petition as a supplementary representation and after adverting to the points raised therein. It is further directed that the same ~~may~~ be decided within a period of four months from the date of this order by a speaking order. with this direction, the application stands disposed of.



(P.S.Chaudhuri)
Administrative Member



(P.M.Joshi)
Judicial Member

a.a.bhatt