

NO
Promotion

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 726/1988

~~Ex No~~

DATE OF DECISION 25-11-1992.

Radheshyam Motiram Tekwani, Petitioner

Mr. R.V. Deshmukh, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan, Vice Chairman.

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?

Radheshyam Motiram Tekwani,
Works Clerk Gr. I,
Gopal Bhavan,
71, New Bungalow Area,
Sahjipur Bogha P.O.
Ahmedabad.

.... Applicant.

(Advocate: Mr. R.V. Deshmukh)

Versus.

1. Superintending Engineer
Civil (Co-ordination) and
Chairman, Departmental
Promotion Committee,
P & T Civil Circle,
2nd Floor, Naranpura Post
Office Building, Naranpura,
Ahmedabad.

2. Union of India
(Notice to be served upon
The Director General,
Department of Telecommunication,
Sanchar Bhavan, New Delhi).

.... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 726/1988

Date: 25-11-1992.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. R.V. Deshmukh, learned advocate
for the applicant and Mr. Akil Kureshi, learned advocate
for the respondents.

2. The applicant, who was serving as Works Clerk
Grade-I with respondent No.1, filed this application
under section 19 of the Administrative Tribunals Act
seeking the relief that the impugned order dated 24th
November, 1988, vide Annexure A-8, passed by the
respondents be quashed and set aside and it may be held
that the applicant is eligible to be considered for the

post of Head Clerk by the Departmental Promotion Committee scheduled to meet on 29th November, 1988 and the respondents be directed to consider the case of the applicant for promotion to the post of Head Clerk by the DPC/dated 29th November, 1988. However, thereafter the applicant has amended the original application praying that the respondents be directed to exercise the powers under Rule 6 of the Recruitment Rules and process the case of the applicant as per Rule 6 of the Recruitment Rules, 1972, vide Ann. A-9.

3. The respondents have resisted the application by refuting all the allegations made in the application. After the hearing of this case by us, the learned advocate for the applicant submitted that the applicant has instructed him to withdraw the application with a permission ~~to him~~ to file a proper representation to the authority concerned for relaxation as per Rule 6 of the old Recruitment rules or as per Rule 6 of the new Recruitment Rules, 1972. The learned advocate for the respondents submitted that the applicant may forward the proposed representation through proper channel to the authority concerned ~~who~~ ^{which} will consider the representation according to rules. ~~to that~~ ^{No doubt it is} will not enable ~~to~~ the applicant to have fresh cause of action to the petition on the same grounds ~~as per~~ ^{he mentioned} this O.A. However, if he has any cause of action except ~~what~~ ^{that} is menti

agitate the question ^{before} ~~to~~ the proper ^{forum} ~~authority~~ with
^{Can be}
this direction, the application ~~is~~ disposed of.

The applicant, if he desires to make representation as mentioned above, should make the same within two months from today and the authority concerned may dispose of his representation within three months from the receipt of this order. The application is disposed of as withdrawn. No orders as to costs.

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

N.V. Krishnan
(N.V. Krishnan)
Vice Chairman

vtc.