

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 750/88 & O.A.No. 8/90.
T.A.NO.

DATE OF DECISION 27.2.1988

P. Bhaskaran & Ors.

Petitioners

Mr. M.R. Anand,

Advocate for the Petitioner [s]

Versus

Union of India & ors.

Respondents

Mr. Akil Kureishi,

Advocate for the Respondent [s]

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The Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The Hon'ble Mr. P.C. Kannan, Judicial Member.

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 Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

1. P. Bhaskaran, Adult at present serving as Officiating Controller in office of the Joint Chief Controller of Import and Exports, 11th Floor, Multistoreyed Building, Lal Darwaja, Ahmedabad.
2. B.L. Vaghela, adult at present serving as Section Head, in the office of the Jt. Chief Controller of Imports and Exports, 11th Floor, Multistoreyed Building, Lal Darwaja, Ahmedabad.
3. P.A. George, adult at present serving as Licensing Assistant, in the office of the Jt. Chief Controller of Imports and Exports, 11th Floor, Multistoreyed Building, Lal Darwaja, Ahmedabad.
4. A.A. Pathan, adult at present serving as Licensing Assistant, in the office of the Joint Chief Controller of Imports and Exports, 11th Floor, Multistoreyed Building, Lal Darwaja, Ahmedabad.

.... Applicants

(Advocate: Mr. M.R. Anand)

versus

1. The Union of India, (Notice to be served through the Secretary, Ministry of Commerce, Central Secretariate, New Delhi).
2. The Chief Controller of Imports and Exports, "Udyog Bhavan" Maulana Azad Road, New Delhi.
3. The Joint Chief Controller of Imports and Exports, Western Zone, New C.G.O. Building, New Marine Lines, Churchgate, Bombay.

4. Captain Haridwari Lal
or his successor-in-office
Joint Chief Controller of
Imports and Exports,
11th Floor, Multistoreyed Bldg.,
Lal Darwaja, Ahmedabad.
5. Mrs. P.H. John, adult
service, at present working
at the office of the Asstt.
Chief Controller of Imports and
Exports, Desai Building,
Bhupindra Road, Near Town Hall,
Rajkot.
6. Mr. P.H. John, service,
at present under suspension,
Notice to be served at the
office of the Jt. Chief Controller
of Imports and Exports,
New CGO Building,
New Marine Lines,
Churchgate, Bombay.

.... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 750/1988

with

O.A.No. 8/1990

Date: 27.2.1998.

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The applicants in these O.A.s who are employees of the then office of the Chief Controller of Imports and Exports in different centres, had prayed for a direction to set aside the circulars of the Department dated 9.2.1988, Annexure A-6 and dated 25.5.1988, Ann. A-14. The said circulars brings out the principles followed and also clearly mentions that the same has been done to comply with the direction of the Tribunal dated 14.8.87 in T.A.No.263/86. There is also a prayer by the present applicants that the orders of the Tribunal dated 14.8.87

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in T.A.263/86 should be set aside/modified, as according to them, this affects adversely a large number of employees who ^{were} not parties to that T.A.

2. A review application was filed by the Union of India & Ors. in R.A.2/89 seeking review of the orders of the Tribunal in T.A.263/86 dealing with the question of seniority. The present applicants also made a Miscellaneous Application No. 249/89 where they sought to be joined as interveners. This review application was dismissed by the Tribunal by its order dated 29.9.89. The matter was taken to Supreme Court against this decision in Civil Appeal No. 11560/95 arising out of SLP(C) 2062/90. As the matter had gone to the Supreme Court there was a direction by the Tribunal on 13.1.93 to keep the present O.A.S pending and await the decision of the Supreme Court in SLP against the orders in review application. We now find that the SLP has been disposed of by the Supreme Court by a detailed order dated 23.11.95. We may extract the last para of this order:

"The appeal is accordingly dismissed and the Joint Controller of Imports and Exports, Western zone will determine the seniority by following the above principles, circulate the same to all the candidates and after considering their objections, if any, will finalise the seniority list according to rules and should take action according to law."

A copy of this direction of the Supreme Court is kept in T.A.No. 263/86.

3. In view of this final disposal by the Supreme

Court, the present O.A.s do not survive as the matter stands concluded with the direction of the Supreme Court. We are informed that pursuant to the direction of the Supreme Court the seniority list was prepared and circulated which was again challenged before this Tribunal in O.A.632/92 on the ground that the list was not in accordance with the Court direction. This O.A. 632/92 was disposed of on 2.1.1998.

4. We have heard Mr. Kureshi for the respondents and Mr. Raval for Mr. Anand for the applicants. In view of the Supreme Court decision and the subsequent direction of the Tribunal dated 2.1.98 in O.A.632/92 both counsel agree that the present O.A.s do not survive and have become infructuous.

5. In the light of this position, the present O.A.s are disposed of as infructuous. No costs.

Anand

(P.C. Kannan)
Member (J)

V.Ramakrishnan

(V.Ramakrishnan)
Vice Chairman

vtc.