

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

C.A.No. 62 OF 1994

in

**O.A. NO. 715 OF 1988**

~~T.A. NO.~~

DATE OF DECISION 28-3-1995.

Ashok B. Joshi & Ors. Petitioners

Mr. J.J. Dave, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondents

Advocate for the Respondent (s)

**CORAM**

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

The Hon'ble Mr. K. Ramamoorthy, Admn. 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 Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

- 1) Ashok B. Joshi,  
Adult, Hindu, Serving as Casual  
Labourer, Western Railway,  
Bhavnagar Division,  
Residing in Railway Station  
Verawal, Dist: Junagadh.
- 2) Hajarilal Ramjee,  
Adult, Hindu, Serving as Casual  
Labourer, Western Railway,  
Verawal, District: Junagadh.
- 3) Dhirajlal Maganbhai  
Adult, Hindu, Serving as Casual  
Labourer, Western Railway,  
Verawal, Dist: Junagadh.

..... Applicants.

(Advocate: Mr. J.J. Dave)

Versus.

- 1) Union of India, Headed by the  
General Manager, Western Railway,  
Churchgate, Bombay, to be served  
through the Divisional Railway Manager,  
Bhavnagar Division, Bhavnagar.
- 2) Chief Permanent Inspector,  
Bhavnagar Para, Western Railway  
Bhavnagar, District: Bhavnagar.

..... Respondents.

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ORAL ORDER

C.A.No. 62 OF 1994


in


O.A.No. 715/1988

Date: 28-3-1995.

Per: Hon'ble Mr. N.B. Patel, Vice Chairman.

The applicants and <sup>their</sup> his advocate are not  
present. Dismissed for default.

  
(K. Ramamoorthy)  
Member(A)

  
(N.B. Patel)  
Vice Chairman

vtc.

Date	Office Report	ORDER
8-5-95		<p><u>M.A. 304/95</u></p> <p>Notice returnable on 3-7-95.</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>ss</p>
3-7-95		<p>Mr. Dave is not present. However, adjourned to 13-7-95.</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>ssh</p>
13.7.95.		<p>Sick note filed by Mr. R.M. Vin. Adjourned to 24.7.1995. Meanwhile Mr. Dave may serve a copy of the M.A. to Mr. R.M. Vin.</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>ait.</p>

Date

Office Report

ORDER

24-7-95


M.A.304/95

Mr.Vin states that he has received <sup>is</sup> a copy of the M.A. from Mr.Dave. The M.A./for restoration of C.A.62/94, which was dismissed for default. Heard the advocates. M.A. allowed. Order dismissing the C.A.62/94 set aside and the said C.A. is restored to file.

M.A. stands disposed of.

C.A.62/94

Appearance filed by Mr.Vin. Adjourned to 28th August, 1995 for filing reply to the C.A. as requested by Mr.Vin.

  
(K.Ramamoorthy)  
Member (A)

  
(N.B.Patel)  
Vice Chairman

ssh

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

C.A. No.62 of 1994

**O.A. NO.** 715/1988**T.A. NO.**DATE OF DECISION 28.8.95Ashok B. Joshi and anrs. **Petitioner**Mr. J.J. Dave **Advocate for the Petitioner (s)****Versus**Union of India and Ors. **Respondent**Mr. R.M. Vin **Advocate for the Respondent (s)****CORAM****The Hon'ble Mr. N.B. Patel, Vice Chairman****The Hon'ble Mr. V. Radhakrishnan, Member (A)****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 Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

CENTRAL ADMINISTRATIVE TRIBUNAL

NUMBER OF PAGES

O. L. NO.  
F. L. NO.

DATE OF DECISION

PETITIONER

ADVOCATE FOR THE PETITIONER (S)

vs

RESPONDENT

ADVOCATE FOR THE RESPONDENT (S)

CORAM

The Honorable Mr.

The Honorable Mr.

STATEMENT

1. What are the facts of the case and what is the issue?
2. To what is referred to the record in the case?
3. What are the grounds for the petition?
4. What is there to be done in order to do justice?

1. Ashok B. Joshi  
Adult, Hindu, serving as Casual  
Labourer, Western Railway,  
Bhavnagar Division,  
Residing in Railway station,,  
Verawal, Dist. Junagadh.
2. Harjarilal Ramjee,  
Adult, Hindu, Serving as Casual  
Labourer, Western Railway,  
Verawal, Dist. Junagadh.
3. Dhirajlal Maganbhai  
Adult, Hindu, serving as casual  
Labourer, Western Railway,  
Verawal, Dist. Junagadh. .. Applicant

(Advocate : Mr. J.J. Dave)

Versus

1. Union of India, Headed by the  
General Manager, Western Railway,  
Churchgate, Bombay, to be served  
through the Divisional Railway Manager,  
Bhavnagar Division, Bhavnagar.
2. Chief Permanent Inspector,  
Bhavnagar Para,  
Western Railway, Bhavnagar,  
Dist. Bhavnagar .. Respondents

(Advocate : Mr. R.M. Vin)

Date : 28.08.1995

ORAL ORDER

C.A. No.62 of 1994

in

O.A. No.715/1988

Per : Hon'ble Mr. N.B. Patel, Vice Chairman

The present CA is filed charging the Railway Administration with having committed contempt <sup>in respect of</sup> of our judgment dated 9.11.1993. The reply filed by the Railway Administration today, with Annexures thereto, shows that the judgment is complied with and that, at



any rate, there is no wilful disobedience of our judgment. All the three applicants in the OA have been reinstated and they will be given benefit of continuity in respect of their past services. However, the first contention made by Mr. Dave, on behalf of the applicants, was that the applicants ought to have been reinstated at Bhavnagar and not at Verawal as done by the Railway Administration. We find nothing in our judgment to indicate that we had directed the Railway Administration to reinstate the applicants at Bhavnagar. It is primarily for the Administration to consider as to where the applicants should be posted on <sup>their</sup> ~~his~~ reinstatement because that would depend upon the need to engage ~~the~~ persons at particular places. The second contention was that the applicant No.1 should have been granted benefit of continuity of service from 1982 and not from 1994. The <sup>departmental</sup> ~~L~~orders clearly show that the applicant No.1 is to be given benefit of continuity of service considering <sup>his</sup> ~~all~~ the past services. The next contention averred by Mr. Dave was that the applicants' names should have been put on the Live Register, so that they <sup>a</sup> ~~my~~ know their position vis-a-vis other casual employees. This also does not flow from any direction issued by us in our judgment. Even then, if the applicants <sup>will</sup> ~~will~~ feel that there is any ambiguity about the orders passed by the Railway Administration with respect to the benefits of continuity of service or with respect to the date from which such benefits are to



be given to them or with respect to their claim that their names should <sup>be</sup> placed on the Live Register at proper place, they may take such legal remedy as may be advised. <sup>with</sup> ~~In~~ these observations, the CA is disposed of and the notice is discharged.



(V. Radhakrishnan)  
Member (A)



(N.B. Patel)  
Vice Chairman