

## ANNEXURE - I

### Form of Index

List of papers in OA/CA/RA/TA No 14 of 1989  
In the Case of Shri/~~Smt~~/ B.S. Gaikwad & Ors. V/S

U.O.I. & Ors.

#### \*PART - I

Description of paper	Orders				
Date of paper/ Date of filing	05/1/89				
Serial No. of papers On record.	1 to 3				

#### \*PART - II

Description of paper	OA				
Date of papers/ Date of filing	4/1/89				
Serial No. of papers On record.	1 to 31				

#### \*PART - III

Description of paper					
Date of papers/ Date of filing					
Serial No. of papers On record.					

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
~~NEW DELHI~~

O.A. No. 14

1989

~~T.A. No.~~DATE OF DECISION 5-1-1989Shri B.S.Gaikvad & Others PetitionersShri K.K.Shah Advocate for the Petitioner(s)

Versus

Union of India & Others RespondentShri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi

: Vice Chairman

The Hon'ble Mr. P.M. Joshi

: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Mr.B.S.Gaikvad  
working as Driver  
Special Grade A in  
Baroda Division in  
A.C. Traction

All India Loco Running  
Staff Association,  
Baroda Division  
represented by  
Shri J.A.Misquitta  
Divisional Chairman.

.. Applicants

Versus

1. Union of India  
Notice to be served  
through, General Manager,  
Western Railway,  
Churchgate, Bombay.
2. The Divisional Railway  
Manager, Western Railway,  
Pratapnagar, Baroda.
3. The Divisional Electrical  
Engineer (T.R.O.),  
Western Railway,  
Pratapnagar, Baroda.

.. Respondents

OA/14/89

ORAL ORDER

5/1/1989

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

: Judicial Member

In this application filed by the petitioners including Mr.B.S.Gaikvad, working as "Driver Special Grade A" in Baroda Division in "A.C. Traction", has challenged the validity of the order dated 19/12/1988 (Annexure 'A'). According to them, the said order changes the link of the A.C.Traction Driver and affects transfer of two posts from Baroda to Kankaria.

Mr.K.K.Shah, the learned counsel for the applicants, is heard at a considerable length on admission. It is contended by Mr.Shah that the said action is done without justification and without giving them an opportunity of hearing. At the outset, it may be stated that the said action of shifting of posts within the Division, is purely an administrative action. Moreover, on perusal of the impugned order it is found that the authorities

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of the Division, have absorbed M/s. D.T.Sharma and A.B.Michel in the same scale and pay (i.e. Rs.1640-2900) of A.C.Traction. These are the persons, who are directly affected by the impugned order. Admittedly, they are not parties before the Tribunal. By virtue of the impugned order, the petitioner Mr.Gaikvad is only placed below Shri B.N.Chaturvedi and he has been allowed to continue on A.C.Traction.

The petitioner No.1 does not raise any dispute regarding his seniority. He merely apprehends, by virtue of this order, that it is likely to result in reversion or loss of promotion in the case of some employees working in A.C.Traction. Such an apprehension cannot be advanced as a grievance in this application, while challenging the impugned order. The impugned order does not afford any valid cause to the petitioners to file this application. It does not suffer from any vice of arbitrariness. Thus, prima facie there are no merits to admit the present application. The application is therefore rejected, at the stage of admission.

  
(P.H.Trivedi)  
Vice Chairman

  
(P.M.Joshi)  
Judicial Member

a.a.bhatt