

(11)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 160 OF 1989  
Ex. No.

DATE OF DECISION 10-11-1993.

Lalit Kumar. R. Petitioner

Mr. P.K. Handa, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. N.S. Shevde for Res. No. 1 to 5 Advocate for the Respondent(s)  
Mr. G.I. Desai for Res. No. 8.

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr. M.R. Kolhatkar, Admn. 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 ? ✗

Lalit Kumar R.  
Quarter No. 221/D,  
Nava Yard, Railway Colony,  
Vadodara.

..... Applicant.

(Advocate; Mr. P.K. Handa)

Versus.

1. Union of India,  
Secretary, Ministry of Railway,  
Rail Bhavan, New Delhi.
2. General Manager,  
Western Railway,  
Churchgate, Bombay.
3. Divisional Railway Manager,  
Western Railway, Pratapnagar,  
Vadodara.
4. Sr.Divisional Operating Supdt.,  
Western Railway, Pratapnagar,  
Vadodara.
5. Sr.Divisional Personnel Officer,  
Western Railway, Pratapnagar,  
Vadodara.
6. Murlidhar S. Mehta,  
Ticket Collector,  
C/o. Station Superintendent,  
Western Railway, Vadodara.
7. Alkesh Pandya, Ticket Collector,  
~~xxxxx~~ Bhaoo's Gali,  
Sharmaji's House,  
Dandia Bazar, Opp. G.P.O.,  
Baroda.
8. Mahesh S. Sharma, Ticket Collector,  
C/o. Station Superintendent,  
Western Railway, Vadodara.

..... Respondents.

(Advocates: Mr.N.S.Shevde for  
Resp.No. 1 to 5, Mr.G.I.Desai  
for Resp.No. 8)

J U D G M E N T

O.A.No. 160 OF 1989

Date: 10-11-1993.

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

Heard Mr. P.K. Handa, learned advocate for the  
applicant and Mr. N.S.Shevde, learned advocate for the

..... 3/-

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Resp.No. 6 has filed a reply.

respondent No. 1 to 5. / Respondent No. 7 was absent though served. Mr. G.I. Desai, learned advocate for the respondent No. 8.

2. This application under section 19 of the Administrative Tribunals Act, 1985, is filed by a Pointsman against the Railways seeking the relief as under:

"8. Relief Sought:

- (i) The applicant prays to the Hon'ble Tribunal to direct the respondents to quash ~~xxx~~ the panel of Ticket Collectors which has been made by manipulating. The applicant should be adjusted in the category for which he has applied i.e., for Ticket Collector only.
- (ii) Any other relief which the Hon'ble Tribunal may deem fit."

3. The case of the applicant as pleaded in the application is that the Divisional Commercial Superintendent, Divisional Operating Superintendent and Divisional Safety Officer (Estt.), Western Railway, issued a joint Notification dated 15th June, 1988 to fill the vacancies from Departmental candidates of Class IV employees in different categories, namely, Train Clerk, Telegraph Signaller, Ticket Collector and Commercial Clerk. It is alleged in the application that the eligibility condition laid down for the employees to apply for the above post was that he must have completed three years of service in regular cadre in permanent vacancy on

31st March, 1988, that the applicant had applied for Ticket Collector category only, that the selection was held and list of successful candidates in written test was declared vide letter dated 11th January, 1989 in which the applicant was placed at Sr.No. 53. The final selection was held and a panel of different categories was declared in which the applicant was posted as commercial clerk instead of Ticket Collector for which the applicant had applied and was placed at Sr.No. 27 vide letter/<sup>Ann.A</sup>dated 27th February, 1989. It is alleged by order of the applicant that no preference was called for in the notification and the applicant had applied only for Ticket Collector and therefore, it is not known as to how he had been posted as commercial clerk. It is alleged that the reason seems to be the mal intention of the authorities preparing the panel seeing that the respondent No. 6, 7 & 8 are put in the panel of Ticket Collector. It is alleged by the applicant that these three respondents do not have three years of regular service against a permanent vacancy even if the period is counted from the date of granting of temporary status and hence the action of the respondents in putting the names of these three respondents in the panel and posting/as Ticket Collector <sup>them</sup> is illegal and has deprived the applicant of his Fundamental rights.



The applicant made a representation to the Divisional Railway Manager (Estt.) Vadodara on 10th March, 1989 and thereafter a legal notice was given, but the respondents Ann.A-5 have issued letter dated 7th March, 1989 regarding the adhoc posting order of Ticket Collector and the regular posting would be made after completion of training at Udaipur and hence this application.

4. The respondents 1 to 5 have filed reply contending that the applicant was eligible to apply for Class III categories and had applied for the post of Ticket Collector vide his application dated 26th August, 1988 that the applicant was shown at Sr.No. 53 in the list. The respondents have not disputed that the applicant was selected by the Selection Board for the post of commercial clerk and was placed at Sr.No. 27 in the said list of Commercial Clerk. It is contended that the vacancies in the category of Ticket Collectors were limited and there were more vacancies in the category of Commercial Clerk and the Selection Board found the applicant suitable for the post of Commercial Clerk and hence his name was placed as a commercial clerk. The respondents have also disputed that preference as such was called for from the employees who applied in response to the aforesaid notification.

5. The respondent 1 to 5 have contended in the reply that the respondent No. 6, 7 & 8 were placed at Sr.No. 16, 15 & 14 as Ticket Collector by the Selection Board in the panel dated 27th February, 1989. It shows that the said three respondents were initially engaged in the year 1981, who were granted temporary status in the year 1986 on different dates as mentioned in para 5 of the reply <sup>and</sup> that they were absorbed in the regular post in the year 1988. The respondents have denied that these three respondents **did not basically** fulfill the requisite conditions mentioned in the notification. According to the respondents, the selection board <sup>has</sup> to decide the category for which the employees are considered by them and to allot them the category they considered fit for each employee who is selected in the selection. It is contended that the selection committee decides the allotment of category to the selected candidates. The respondents have contended that these three respondent 6, 7 & 8 have been posted as Ticket Collectors vide order dated 7th March, 1989. The respondents have contended that the alleged representation dated 10th March, 1989 is not available with them. They denied that there was any malafide intention of the authorities in selecting the employees which were not eligible as alleged. It is contended

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(17)

that the said three employees were eligible and considered by the Selection Board and were allotted the category of Ticket Collector. It is contended that the application has no merits and deserves to be dismissed.

6. The respondent No.6, Murlidhar S. Mehta filed reply contending that the applicant was working as Pointsman in Vadodara Yard in grade Rs. 950-1500(R) but he has not mentioned that he is working in Class II staff and has suppressed the material fact. It is contended that as the applicant was working in Class I staff, he was not eligible to apply for any posts mentioned in the notification and he has no legal right to challenge this selection. It is contended that Selection Board after considering the requisite facts has appointed these respondents as Ticket Collector. If he was Class IV employee, he was appointed after being selected.

7. The applicant has filed rejoinder to the reply of the respondent 1 to 5 controverting the content taken by the respondent 1 to 5 in the reply and he has also filed rejoinder to the reply filed by the respondent No.6.

8. At the time of hearing of this application learned advocate Mr. P.K. Handa for the applicant

submitted that though the applicant has sought the relief to quash the panel of Ticket Collectors, the applicant restricts his relief ~~to~~ cancellation of the appointment of respondent 6 to 8 as Ticket Collector and that the applicant should be adjusted in the category for which he has applied i.e., for Ticket Collector only.

8. The undisputable facts are that the respondents by notification Annexure A-1 dated 15th June, 1988, had invited applications from Class IV staff Transportation and Commercial Department for filling up the vacancies in the category of Train Clerk, Telegraph Signaller, Ticket Collector and Commercial Clerk and the condition laid down for eligibility for the employees to apply for the above post was that he must have completed three years of service in regular cadre in permanent vacancy as on 31st March, 1988. It is also ~~an~~ /admitted fact that the applicant had in pursuance of that notification made an application for the post of Ticket Collector on 26th August, 1988 and he was selected by the Selection Board by the post of Commercial Clerk and was placed at Sr.No. 27 in the said list of Commercial Clerk, Annexure A dated 27th February, 1989. It is also not disputed that no order of preference was called for, ~~However~~ <sup>as</sup> /the applicant had applied for only ~~post the~~ Ticket Collector ~~is~~ / learned advocate for the

respondents 1 to 5 was not able to satisfy this Tribunal as to why the selection committee selected the applicant as commercial clerk when he had specifically applied for the post of Ticket Collector. The selection committee ought to have considered as to whether the applicant was suitable for the post of Ticket Collector for which he had applied and if considered as suitable, he ought to have been selected on that post and ought to have been empanelled for that post. <sup>Hence</sup> the action of the selection committee to select him for commercial clerk could not be said to be legal. We do not agree with the submission of the learned advocate Mr. Shevde that the selection Board found the applicant suitable for the post of Commercial Clerk and hence his name was placed as Commercial Clerk. The moot question is why he was not selected as Ticket Collector. The respondent 1 to 5 have not disputed the fact that the applicant was eligible to apply for Class III categories and had applied for the post of Ticket Collector only. We therefore, hold that the action of the selection committee in selecting the applicant for the post of commercial clerk was not legal because he had applied only for the post of Ticket Collector.

9. The learned advocate for the respondent No.8 Mr. G.I.Desai submitted that the applicant is not

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entitled to question the decision of selection committee, nor is it the function of the Court to hear any appeal over decision of selection committee and he has relied on the decision in Dalpat Abasaheb Solunke V/s. Dr.B.S. Mahajan etc. reported in AIR 1990 SC 434. It is held in this decision that it is not the function of the Court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject and the Court has no such expertise. It is held that the decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the committee, procedure vitiating the selection, or proved malafide affecting the selection etc. We agree with the law laid down in this decision. The applicant does not challenge the power of the selection committee to select a candidate for a particular post, but his challenge is that when he had applied only for the post of Ticket Collector, the selection committee found him fit for that post, should have selected him for that post, but not found him fit for that post should have rejected his application, but the decision of the

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committee has suffered from illegality and patent material irregularity in selecting the applicant to the post of commercial clerk for which he had not applied. Therefore, this decision relied on by Mr. Desai does not help the respondents. In our opinion, the selection committee had committed an illegality or patent <sup>material</sup> irregularity in appointing the applicant as commercial clerk for which post he had not applied at all.

10. The learned advocate Mr. Desai submitted that the applicant at the time of application in the year 1988 was working in Class III staff.

He submitted that respondent No.6 in his reply has taken this specific contention. He submitted that the applicant had suppressed the material fact and therefore, according to him, the application deserves to be dismissed in view of the decision in G.Narayanaswamy Reddy V/s. Government of Karnataka & Anr. AIR 1991 SC 1726. The Hon'ble Supreme Court has held in this decision that the relief under Article 136 of Constitution of India is discretionary and the petitioner who approaches the Supreme Court for such relief must come with frank and full disclosure of facts. If he fails to do so and suppresses material facts, his application is liable to be dismissed. Mr. Desai, learned advocate for the respondent No.8 at the time of hearing produced the xerox copy of the promotion order

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- 12 -

of the applicant and others to show that the applicant was promoted on adhoc basis from Class IV post as Lineman which is Class III post. The said xerox copy dated 15th June, 1985 shows that the present applicant who was at Sr. No. 20 in that list and was working as Pointsman in the grade of Rs. 210-270, was promoted as Lineman in the scale of Rs. 260-400, but it is important to note that this order <sup>further</sup> / shows that this was issued purely on adhoc basis and subject to the passing selection only. The other order dated 10th January, 1986 produced by him shows that the applicant Lineman Baroda division scale Rs. 260-400(R) was posted as Pointsman Baroda in the scale scale Rs. 260-400(R), item No.1. Reading these documents, it is clear that the first order was an order of promotion on adhoc basis purely and second that they are employed to officiate on that post. The learned advocate Mr. Shevde also agreed that the said two orders only shows the appointment of the applicant on adhoc basis as Pointsman and that the appointment was on adhoc basis. The learned advocate Mr. Handa submitted that the notification Annexure A-1 dated 15th June 1988 makes the adhoc employee in Class III category also eligible for application for the posts mentioned in that notification and he drew our attention to the relevant portion of the said notification which is as under:



"The eligible employees who are already working in class III categories on adhoc basis should also apply to appear in the selection in reference to this notification without which they will not be called to appear in the selection their working in class III category is not automatic eligibility to appear the selection."

The respondent 1 to 5 have categorically contended in the reply that the applicant was eligible to make an application for Class III category and had applied for the post of Ticket Collector only, therefore, none of the conditions in the notification is violated by the applicant nor he has suppressed the fact and therefore, the decision relied on by the learned advocate Mr. Desai for respondent No.8 can not be pressed into service.

11. The main question is whether respondent 6 to 8 were eligible to apply for the post in question. The applicant and the respondent 1 to 5 have mentioned the particulars of these respondent 6 to 8 as under:-

S.No.	Name	Des.	Date of initial engagement.	Date of TS	Date of absorption
8.	Mahesh R	LRPP-BH	17.5.81	1.7.86	4.4.88
7.	Alkesh Pandya,	PP-BH	6.4.81	4.11.86	4.4.88
6.	Murlidhar S.	GGP.BRCY	24.4.81	16.5.86	8.1.88

The learned advocate for the applicant submitted that the letter of absorption of respondent No.6 is shown

at Annexure A-3 vide letter dated 5th December, 1988 at Sr.No.5 and respondent 7 & 8 are absorbed vide letter dated 4th April, 1988 shown at Annexure A-4 at Sr.No. 62 and 61. He submitted that the mandatory condition laid down by the notification shown at Annexure A-1 is as under:-

"Applications are therefore invited from all class IV staff Transportation and commercial - Department only who have completed three years of service in Regular cadre in permanent vacancy as on 31st March, 1988."

The learned advocate Mr. Handa for the applicant submitted that respondent 6 to 8 had not completed three years of regular service against a permanent vacancy even if the period is counted from the date of granting of temporary status. He therefore, submitted that the final selection by the selection committee and the panel of different committees which showed the name of respondent 6, 7 & 8 as Ticket Collectors at Sr.No.14, 15 and 16 in Annexure A in panel was ex facie illegal. Annexure A-5 dated 7th March, 1989 shows the <sup>provisional</sup> / postin order of the Ticket Collectors. The learned advocate Mr. Shevde was not able to justify the selection of respondent 6, 7 & 8 as Ticket Collectors.

12. The learned advocate Mr. Desai submitted that the respondent 6, 7 & 8 had the requisite qualification for the post of Class III. However, as submitted by

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learned advocate for the applicant, even considering the date of which the temporary status was granted to these respondents 6, 7 & 8 in the year 1986, they do not fulfill the mandatory condition of completion of three years service in regular cadre in permanent vacancy at the date of notification and therefore, the selection committee had acted illegally in empanelling them as Ticket Collector. A ~~lane~~ attempt was made by the learned advocate Mr. Desai that the respondents 6, 7 & 8 have their initial engagement in the year 1981 and therefore, they were eligible due to their officiation <sup>in</sup> the post they held and he relied on the decision in V.K. Bansal V/s. Union of India & Ors., II(1988)ATLT(CAT) page 67. In our opinion, this decision ~~has~~ absolutely no bearing to the facts of the present case. We have considered all the arguments of the advocates and have considered the documents on record carefully and we hold that the selection committee has acted illegally in selecting respondents 6, 7 & 8 and empanelling them as Ticket Collector and hence that selection shall have to be quashed and set aside. The selection committee has also acted illegally <sup>and committed</sup> / material patent irregularity in selecting the applicant for the post of commercial clerk when he had applied only for the post of Ticket Collector. We hold that he was eligible to apply for

.... 16/-

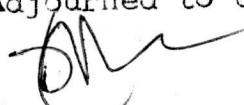
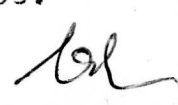
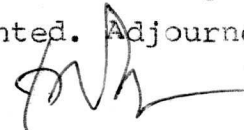


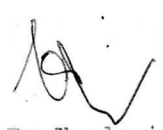
be considered for  
the post of Ticket Collector. Hence we pass the  
following order:

ORDER

- (i) Application is partly allowed. The selection of Respondents 6, 7 & 8 as Ticket Collector and their inclusion in the panel Annexure A dated 27th February, 1989 in the category of Ticket Collector and also their posting on provisional basis as Ticket Collectors as per order Ann.A-5 dated 7th March, 1989 are quashed and set aside.
- (ii) The selection of the applicant as commercial clerk by the selection committee is also held illegal and the respondents are directed to consider the applicant's application for the post of Ticket Collector subject to assessment of suitability and subject to vacancy and to pass a speaking order if he is found fit and if there is vacancy of Ticket Collector. The respondents to consider the applicant's case accordingly within four months from the date of receipt of this order.
- (iii) Application is disposed of. No order as to costs.

*M R Kolhatkar*  
(M.R. Kolhatkar)  
Member(A)

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

Date	Office Report	Order
2.2.1995.		<p>Leave note filed by Mr.K.S.Jhaveri. Adjourned to 6.2.1995.</p> <p> (Dr.R.K.Saxena) Member(J)</p> <p> (V.Radhakrishnan) Member(A)</p> <p>ait.</p>
6.2.1995.		<p>None present for the applicant. Mr.Shevde for the respondents seeks time for filing reply to the M.A. Time granted. Adjourned to 28.2.1995.</p> <p> (Dr.R.K.Saxena) Member(J)</p> <p> (V.Radhakrishnan) Member(A)</p> <p>ait.</p>
28.2.95		<p>Mr.K.S.Jhaveri is not present. Adjourned to 10th March,1995 at the request of Mr.N.S.Shevde.</p> <p> (Dr.R.K.Saxena) Member (J)</p> <p> (V.Radhakrishnan) Member (A)</p> <p>npm</p>

Office Report

ORDER

10.3.95

Registry to effect service of notices  
to all the concerned parties immediately.

Direct service as regards all the  
respondents permitted, at the request  
of Mr.K.S.Jhaveri.

Call on 18th April,1995.

(Dr.R.K.Saxena)  
Member (J)

(V.Radhakrishnan)  
Member (A)

npm

8.4.95

Mr.N.S.Shevde files reply on behalf of  
Respondent Nos.1 to 5. Mr.P.K.Handa  
files reply for Respondent NO:8.

Mr.G.I.Desai files appearance on behalf  
of Respondent No:6, and seeks time to  
file reply in M.A.24/1995

Respondent No:7 is present in person.  
Mr.Jhaveri seeks time to file rejoinder.

Adjourned to 6th June,1995.

(Dr.R.K.Saxena)  
Member (J)

(V.Radhakrishnan)  
Member (A)


npm

Date	Office Report	ORDER
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6/6/1995

Present : Mr.P.K.Handa, Mr.N.S.Shevde

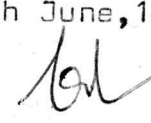
Mr.K.S.Jhaveri is not present. Mr.G.I. Desai has filed leave note. Adjourned to 13/6/1995.

  
(V.Radhakrishnan)  
Member(A)

ait.

13.6.95

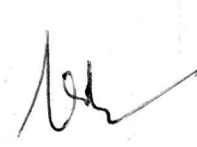
None present for the parties.  
Adjourned to 28th June, 1995.

  
(V.Radhakrishnan )  
Member (A)

npm

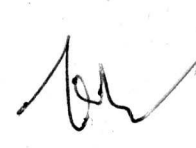
28.6.1995.

At the request of Mr.K.S.Jhaveri adjourned to 12.7.1995.

  
(V.Radhakrishnan)  
Member(A)

12.7.95

Mr.K.S.Jhaveri is present.  
As the Division Bench is not available,  
the matter is adjourned to 2nd August, 1995.

  
(V.RADHAKRISHNAN)  
Member(A)

npm



(29)

Date	Office Report	ORDER
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2.8.95

Adjourned to 24th August, 1995 at the request of Mr. Sheyde, as he states that Mr. Handa is appearing in this case.

*R*  
(K. Ramamoorthy)  
Member (A)

vtc.

24.8.95 It is a matter regarding Review/Restoration/Misc. *within* ~~delibered by~~ Division Bench. Counsel for the applicant says that the matter has been getting delay in absence of Division Bench. Matter may be placed before Court No. 1 for necessary orders.

*12*  
(K. Ramamoorthy)

*Place before Court No. 1 27/7/95*

5-10-1995

At the request of Mr. Vyas for Mr. Jhaveri adjourned to 12-10-1995.

*191*  
(V. Radhakrishnan)  
Member (A)

*M*  
(N.B. Patel)  
Vice Chairman.

\*AS.

12.10.95

Leave notes filed by Mr. Jhaveri and Mr. Handa  
Adjourned to 29th November, 1995.

*101*  
(V. Radhakrishnan)  
Member (A)

*17*  
(N.B. Patel)  
Vice Chairman

vtc.



Date	Office Report	ORDER
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24-11-95

For want of time the matter is adjourned  
to 17-12-95

*[Signature]*

(V. Radhakrishnan)  
Member (A)

*[Signature]*  
(N. B. Patel)  
Vice Chairman

18.12.95

Adjourned to 2.1.1996. Names of Mr. Handa  
and Mr. Desai also be shown.

*[Signature]*

(V. Radhakrishnan)  
Member (A)

*[Signature]*  
(N. B. Patel)  
Vice Chairman

etc.

2-1-96

None present for the parties. Adjourned  
to 11-1-96.

*[Signature]*

(V. Radhakrishnan)  
Member (A)

11-1-96

AS\*

Mr. Jhaveri is not present. Adjourned  
to 22-2-96.

*[Signature]*

(V. Radhakrishnan)  
Member (A)

AS\*

(30)

Date

Office Report

ORDER

22.2.96

Leave note filed by Mr. Handa.

Adjourned to 6.3.1996.

(V. Radhakrishnan)  
Member (A)

vtc.

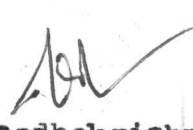
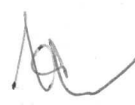
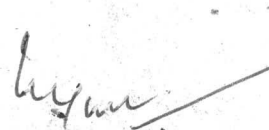
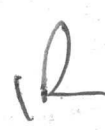

3-4-96

*Other*  
As the learned Member of  
the Bench is not available,  
the matter is adjourned  
to 25-4-96.

(B. Patel)  
Vice Chairman


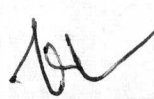

(31)

Date	Office Report	ORDER
6-3-96	(M.A. 24/95 in O.A. 160/89)	<p>Sick note filed by Mr. Jhaveri. Adjourned to 3-4-1996. The matter may be shown for orders.</p> <p>(V. Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman.</p> <p>*AS.</p>
3-4-96		<p>Other As the learned Member of the Bench is not available, the matter is adjourned to 25-4-96.</p> <p>(N. B. Patel) Vice Chairman</p>
25-4-96		<p>Leave note filed by Mr. Handa. A.</p> <p>4-6-96.</p> <p>(V. Radhakrishnan) Member (A)</p> <p>*ssh</p>
4-6-96		<p>Time being over, adjourned to 2-7-96.</p> <p>(K. Ramamoorthy) Member (A)</p>

Date	Office Report	ORDER
2.7.96		<p>Mr. Handa is present. Mr. GI. Desai is not present. Being a Division Bench matter adjourned to 16.7.1996.</p> <p style="text-align: right;">   (V. Radhakrishnan)  Member (A) </p> <p>vtc.</p>
16.7.96		<p>Being a Division Bench matter, adjourned to 27.8.1996.</p> <p style="text-align: right;">   (V. Radhakrishnan)  Member (A) </p> <p>vtc.</p>
7/8/96		<p>Leave note filed by Mr. Handa. Adjourned to 10/9/96, at the request of Mr. Rathod for Mr. Jhaveri.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: right;">   (T.N. Bhat )  Member (J) </p> </div> <div style="width: 45%;"> <p style="text-align: right;">   (K. Ramamoorthy)  Member (A) </p> </div> </div> <p>ssh*</p>
1.9.96		<p>Being a Division Bench matter, adjourned to 5.11.1996.</p> <p style="text-align: right;">   (K. Ramamoorthy)  Member (A) </p> <p>vtc.</p>

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Date	Office Report	ORDER
5/11/96		<p>BEING A DIVISION BENCH MATTER ADJOURNED TO.....10/12/96</p> <p> (V. Radhakrishnan) Member (A)</p>
10-12-96	<p>The D.R. (V) may look into this and put up a separate note regarding the maintainability of M.A.</p> <p> (V. Radhakrishnan)</p>	<p>This O.A. has already been disposed of by the judgment dated 10-11-93. It appears that the M.A. is pending in this case.</p> <p> (V. Radhakrishnan) Member (A)</p> <p>ssh*</p>