

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(3)

O.A. No. ~~XXXXXX~~ 184 of 1989

DATE OF DECISION 09/06/1993.

Shri Manilal Rambhai Petitioner

Shri A.M.Saiyed Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri N.S.Shevde Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. V.Radhakrishnan : Member (A)

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 ?

fno.

(4)

Shri Manilal Ramabhai,
resident of Qrt.No. 491/366,
Khokhre Rly.Colony,
Maninagar East,
Ahmedabad.

...Applicant.

(Advocate : Mr.A.M.Saiyed)

Versus

1. Union of India

Notice to be served through
the General Manager,
Western Railway,
Churchgate,
Bombay.

2. The Divisional Railway Manager,
Western Railway,
Baroda Division,
Pratapnagar,
Baroda.

3. The Senior Electrical
Engineer (Power),
Western Railway,
Baroda Division,
Pratapnagar,
Baroda.

...Respondents.

(Advocate : Mr.N.S.Shevde)

ORAL JUDGMENT

O.A.NO. 184 OF 1989.

Dated: 09/06/1993.

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

Mr.A.M.Saiyed for the applicant states that if the respondents are prepared to consider the application, made by the applicant to this Tribunal, as his representation and to decide the said representation within a period of six months hereof, the applicant would not press the present application. On behalf of the respondents, their learned counsel Mr.N.S.Shevde states that the respondents will treat the present application of the applicant as his

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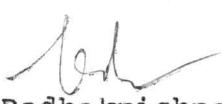
representation and will take decision thereon within a period of six months from today after giving an opportunity to the applicant and all other concerned employees to put forward their case in the matter of fixation of seniority. Since the applicant's representation is to be disposed of within six months, it would be appropriate to direct the respondents to give promotions, if at all, hereafter, to anybody as Fitter or Fitter Grade-III, or Fitter Grade-II, or Fitter Grade-I, in R.A.C. Group, on condition that such promotions are subject to the decision that may be taken on the representation of the applicant.

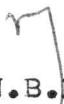
2. Accordingly, the respondents are directed to treat the present Original Application as a representation of the applicant and the respondent no. 2, or any officer not lower in rank than that of the respondent no. 2, is directed to take decision thereon within six months from today after giving an opportunity to the applicant and all other interested employees to put forward their case. The respondents are further directed, in the event of issuing any promotion orders hereafter to Fitter or Fitter Grade-III, or Fitter Grade-II, or Fitter Grade-I, to clearly mention in the promotion order that such promotion is given subject to the decision of the representation of the applicant.

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3. In view of the above directions, Mr.A.M.Saiyed seeks permission to withdraw the application with liberty to challenge the decision, that may be taken on the applicant's representation, if the applicant is aggrieved by the same. Permission to withdraw is accordingly granted. The application stands disposed of as withdrawn. No order as to costs.

4. A copy of this order may be sent to the respondent no.2 at the earliest.


(V.Radhakrishnan)
Member (A)


(N.B.Patel)
Vice Chairman

AIT