

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 225 OF 1989.

~~XXXXXX~~

DATE OF DECISION 4-5-1995.

Mahendrasingh Hariprasad Saini & Petitioner s
Mahendrakumar Kantilal Jaiswal,

Mr. M.A. Kadri,

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondents

Mr. N.S. Sheyde,

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

- 2 -

1. Mahendrasingh Hariprasad Saini,
Aged 46 years, occu: Service,
residing at 35 Adarshagar Society,
Near 'D' Cabin, Sabarmati,
Ahmedabad.
2. Mahendrakumar Kantilal Jaiswal,
Aged 51 years, occu: Service,
residing A/20 Nigamnagar Society,
Opp: Jantanagar, Post:Chandkheda,
Gandhinagar. Applicants.

(Advocate: Mr. M.A. Kadri)

Versus.

1. Union of India
Owning and representing through
The General Manager,
Western Railway,
Headquarter Office,
Churchgate, Bombay.
2. The Chief Works Manager, (E/W)
Sabarmati, Nr.'D' Cabin,
Sabarmati, Ahmedabad. Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 225 OF 1989

Date: 4.5.1995.

Per Hon'ble Mr.N.B.Patel

: Vice Chairman

Mr.Kadri, under instructions from the two applicants who are present before the Tribunal in person, seeks permission to withdraw the O.A stating that the applicants will make representations to the appropriate authority urging that a special selection test may now be held for them for promotion to the post of Chargeman 'B' as it was through a bonafide misconception that they had not appeared, at the earlier selection test(s) at which they were eligible

.... 3/-

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to appear. Permission granted. O.A. stands disposed of as withdrawn. If the applicants make representation(s) as above, within a period of 15 days from today, we hope that their representations will be considered sympathetically in accordance with relevant Rules or provisions. The representation(s) may be decided within a period of eight weeks after receipt of the same and decision may be communicated to the applicants within a period of one week after it is taken.

No order as to costs.

R

(K.Ramamoorthy)
Member(A)

V
(N.B. Patel)
Vice Chairman

vtc.

C.A./8/91

in

OA/225/89

(17)

Date	Office Report	ORDER
27.8.1991.		<p>Present : None for the applicant. Mr. B.R. Kyada, learned counsel for the respondents.</p> <p>The matter is adjourned.</p> <p><i>Roshni</i> <i>M.M.S.</i></p> <p>(R C Bhatt) Member (J)</p> <p>(M M Singh) Member (A) . .</p> <p>*Ani. *Kaka</p>
17.9.1991		<p>Present : None for the petitioner.</p> <p>Mr. B.R. Kyada, learned counsel for the respondents present. He contends that the name of the respondent No.3, as given by the petitioner's counsel after the petition had been filed is that of the Deputy Chief Engineer, and not of the Chairman, Railway Recruitment Board, Ahmedabad. Similarly, he contends that Mr. D.B. Dhotre, shown by the petitioner as Chairman, Railway Recruitment Board, Bombay Central, is of the staff attached to the Chairman and not Chairman himself. He accordingly contended that the ^{contd.} Application is not maintainable and no notice can be issued thereon.</p> <p>However, learned counsel for the respondents submitted that he will see that the direction of the Tribunal in Judgment dated 17.7.1990 in O.A./225/1989, shall be carried out by the appropriate authority within three weeks, if not already done. He may produce a copy of the communication which might be sent to the petitioner. List on 28th October, 1991.</p> <p><i>S. Santhana Krishnan</i> <i>(P.C.Jain)</i></p> <p>(S. Santhana Krishnan) Member (J)</p> <p>(P.C.Jain) Member (A)</p>

AIT

M.A.ST/145/91

in
O.A./509/90

4.8.1992
(14)

Present: None for the applicant.

Mr. B.R. Kyada, Adv./Res.

None for the applicant. Learned counsel for the applicant is given one more chance to remove office objection before 24th August, 1992.

(R.C. Bhatt)
Member (J)

(N.V. Krishnan)
Vice Chairman

*K

4.8.1992

C.A./8/91

in

O.A./225/89

Mr. B.B. Gogia, Adv./App.
Mr. B.R. Kyada, Adv./Res.

Res submitted
Notice issued
but R.P.N.D
not received from R2
H.P. Note

We have heard the parties. The learned counsel for the applicant is directed to furnish the correct names of respondents no. 2 and 3 in the light of objection taken by the respondents on 17.9.1991.

Issue notice to respondents after correction. Call on 29th September, 1992.

(R.C. Bhatt)
Member (J)

(N.V. Krishnan)
Vice Chairman

C.A.8/91
in
O.A. 225/89

(Vc)

Date	Office Report	ORDER
(20) 29.9.92		<p>Present: Mr.B.B.Gogia, Adv/Apt. Mr. B.R.Kyada, Adv/Res.</p> <p>The respondents have filed an affidavit and reply. Call on 13th October, 1992.</p> <p><i>neue</i> <i>U</i> (A.C. Bhatt) Member (J) (N.V.Krishnan) Vice Chairman</p> <p>vtc.</p>

(19)

C.A. 8/1991.

Date	Office Report	ORDER
13-10-92 21	<p>Rsp. Sub.</p> <p>Rejoinder not filed</p> <p>PO 28/10/92 SO</p>	<p>Shri Gogia seeks two weeks time in respect of reply filed by the respondents. Call on 3-11-92.</p> <p><i>re</i> <i>le</i></p> <p>(R.C.Bhatt) (N.V.Krishnan) Member (J) Vice Chairman</p> <p>*AS.</p>
(12) 3.11.92		<p>The applicant has sought for time to get instructions through the respondents' reply. Call on 24th November, 1992.</p> <p><i>re</i> <i>le</i></p> <p>(R.C.Bhatt) (N.V.Krishnan) Member (J) Vice Chairman</p> <p>vtc.</p>
24-11-1992		<p>Shri Gogia for the applicant. We have seen the reply of the respondent to which also is annexed is the communication dated 16-9-1992 addressed to the applicant which was send by registered post. We are satisfied that this communication is in full compliance of the original order.</p>

Shri SureshKumar Anantrai Raval,
3, Swaminarayan's Blocks,
Vadipara, Parmar Road,
Surendranagar

Applicant.

Advocate Shri B.B. Gogia

Versus

1. Union of India,
Owing and Representing
Western Railway
Through General Manager,
Western Railway,
Chruch gate, Bombay 400020
2. Chairman,
Railway Recruitment Board,
Bombay Central
3. Chairman,
Railway Recruitment Board,
Railwaypura P.O.,
Ahmedabad -2

Respondents.

Advocate Shri B.R. Kyada

ORAL JUDGEMENT

IN

C.A. 8/91 in O.A. 225/89

Date 24-11-1992.

Per Hon'ble Shri N.V. Krishnan Vice Chairman.

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We have seen the reply of the respondent to which is annexed the communication dated 16-9-1992 addressed to the applicant and sent by registered post, which gives the details of the marks. We are satisfied that this communication is in full compliance of the original order. Hence there is no contempt and this Contempt Application is dismissed. Notice issued to the respondents stands discharged.

R.C. Bhatt

(R.C. Bhatt)

Member (J)

N.V. Krishnan

(N.V. Krishnan)

Vice Chairman.

*AS.