

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

01/08/1989

Heard Mr. A.H. Nehta, learned advocate for the petitioner. Mr. J.M. Yadav for Mr. J.D. Ajmera, learned advocate for the respondents wants further time for filing the reply. Learned advocate for the petitioner has stated that when a bench of this Tribunal has given a judgment on the question raised in this case, another bench of the Tribunal is governed by that judgment and if there is a difference it has to be referred to a larger bench. In this case, according to the learned advocate for the petitioner, C.A.T. Bangalore bench has given a judgment in the applications stated at Annexure A-III. He has cited the decisions of the Supreme Court in (1) GLH 1983 S.C. (Vol.3) 273, (2) AIR 1972 SC (Vol.59) page 54 para 9 and (3) AIR 1962 S.C. 83 para 9 and 10, to derive the proposition that this bench has to decide the case according to the orders of the C.A.T. Bangalore bench referred to. The case decided by the Bangalore Bench of the C.A.T. has been appealed against and the Supreme Court has not stayed the operation of the order of CAT Bangalore Bench.

After hearing the learned advocate, the limited question we have to decide, is that whether the interim relief should be granted in terms asked for, in terms of a direction to consider the petitioners as seniors of respondents 1 to 4 and to call them for appointment to the next promotional post of Special IGP in accordance with the rules. Learned advocate for the petitioners states that he is informed that the relevant selection committee is likely to meet shortly.

The interim relief has been asked for in terms which involves the decision of merits of the case. The applicability of the judgment cited and whether the issues in question have been finally decided in the judgment of CAT Bangalore bench are the matters on which the respondents are required to be heard and the petitioner will also at liberty to make the submission on record when the merits of the case are decided. Accordingly, there is no merit in allowing interim relief. We have no doubts that the respondents will fully keep in view the position arising out of the judgment referred to in making any decision on the matter. Respondents to reply on merits within 30 days. The case be posted on 1st September, 1989 for further directions before Registrar.

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(P H Trivedi)
Vice Chairman

Sp
(P M Joshi)
Judicial Member

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