

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

*NO
extension of
Time in service*

M.A. No. 3 OF 1993. in
O.A. No. 306 OF 1989.
~~XXX~~

DATE OF DECISION 02.02.1993

State of Gujarat, through the Petitioner
Secretary. (Original resp.no.2)

Shri R.J.Oza Advocate for the Petitioner(s)

Versus

Shri N.R.Varsani, & Ors. Respondent

Shri S.V.Raju for resp. no.1 and Advocate for the Respondent(s)

Shri Akil Kureshi for resp.no.2 and 4.

CORAM :

The Hon'ble Mr.N.V.Krishnan : Vice Chairman

The Hon'ble Mr. R.C.Bhatt : Member (J)

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 ?

State of Gujarat -
through the Secretary,
General Administration Department,
Sachivalaya, Gandhinagar.

...Applicant.

(Advocate : R.J.Oza) ^{responsible}

(Original resp.no.2)

Versus

1. Shri N.R.Varsani, IAS,
Director of Census Operations,
Kerawala Building,
Opp. V.S.Hospital,
Ellis Bridge,
Ahmedabad - 380 006.
2. Union of India,
Notice to be served on
the Secretary,
Department of Personnel and
Training,
Ministry of Personnel,
Public Grievances and Pension,
New Delhi.
3. Shri A.D.Desai, IAS
Director of Information,
Old Sachivalaya,
Gandhinagar.
4. Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi - 110 001.

...Respondents.

(Advocate : Mr.S.V.Raju advocate for res.no.1 -
(original applicant) and

(Shri Akil Kureshi advocate for resp.no.2 & 4)

ORAL JUDGMENT
M.A.NO. 3 OF 1993 in
O.A.NO. 306 of 1989.

Dated : 02.02.1993.

Per : Hon'ble Mr.N.V.Krishnan : Vice Chairman

M.A./3/93, filed by the State of Gujarat ~~as~~ the
second respondent, (State Govt. for short) in the Original
Application is for disposal. The M.A. has been filed seeking
additional time for the implementation of the original order,
in so far as it concerns the State Government.

2. In para-18, of our order we have issued a direction to the State Government to issue an order appointing the original applicant to officiate in a cadre post from 5.5.1994, on a notional basis and send a copy *to (Union of India)* of that order to the first respondent therein, within one month from the date of receipt of that order.

3. The applicant has annexed to the M.A. Annexure-A/2, which is a letter written to the Government of India, the original first respondent, on 15.12.1992. In para-5, thereof it is stated that the State Government has decided to implement, the orders of the Tribunal. Nevertheless, before such implementation, they have inquired whether the Government of India intended to or has filed an application in the Supreme Court, seeking special leave to appeal against the original order.

4. The additional time is sought because it is stated that the question of filing a S.L.P. is under active consideration of the Government of India.

5. This is not a proper ground for two reasons. Firstly, extension of time can be prayed for implementation and not for non implementation. That obviously is the purpose of filing a SLP. In such a case, the proper procedure is to file an application for interim stay of the order to enable the party to obtain a stay order from the Supreme Court.

(1)

Secondly, it is clear that the State Government itself is not filing a SLP. It is the Government of India, which, perhaps, wants to file a SLP. There is a time limit fixed for the Govt. of India also. Therefore, it was open to the Govt. of India to prefer a proper application. That can be done even after the State Govt. implements that part of the order which concerns it.

6. In the circumstances, we find no merit in this Miscellaneous Application which is liable to be dismissed.

7. Before, we part with this case, we would like to observe that an application or a reply filed by the State Govt. should be authenticated by an officer of a reasonable high status. We notice that the reply of the second respondent ~~to the O.A.~~ was verified by an Under Secretary ~~in the O.A.~~ and the present M.A. has been verified by a Section Officer. We bring this to, the State Govt. ~~for~~ necessary action.

8. For the foregoing reasons, this M.A. is dismissed. The State Govt. shall pass an order as directed in para-18 of the original order within two weeks from the date of receipt of this order.

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

Gov
2.2.92
(N.V.Krishnan)
Vice Chairman