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(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
promotion

O.A. No. 357 OF 1989
~~XXXXXX~~

DATE OF DECISION 11.3.1993.

Shri Vijay B. Wagh & Ors. Petitioners

Mr. D.M. Thakkar, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. N.S. Shevde, Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. V. Radhakrishnan, 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?

1. Vijay R. Wagh
2. Ashok Brahmabhatt
3. Smt. Rashmi A. Dholakia,
Nos. 1 & 2 - Senior Clerk
No. 3, Clerk
C/o. Dist. Controller of Stores,
Western Railway,
Sabarmati, Ahmedabad. Applicants.

(Advocate: Mr. D.M. Thakkar)

Versus.

1. Union of India
(Notice to be served
through the General
Manager, Western Railway,
Churchgate, Bombay.)

2. The Dist. Controller
of Stores, Western Railway,
Sabarmati, Ahmedabad.

Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 357/1989

Date: 11.3.1993.

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

Heard Mr. D.M. Thakkar, learned advocate for the applicants and Mr. N.S. Shevde, learned advocate for the respondents.

2. The three applicants have filed this application under section 19 of the Administrative Tribunals Act, 1985, seeking the relief to quash and set aside the impugned action of the respondents in promoting SC/ST employees over and above their total reservation quota of 22½% and seeking to promote SC/ST employees to the post of Head Clerk and Sr. Clerk by including the claim of the applicants from "General" category as being arbitrary, illegal, unjustified, void & null and

void. The respondents have filed reply in several contents in details.

3. At the time of hearing of this application, the learned advocate for the applicants drew our attention to the contention of the respondents in para 9 of the reply, which reads as under:

"It is submitted that after the issue of interim orders dated 28.4.89 passed by this Hon'ble Tribunal is M.A.No. 177/88 in O.A. No. 241/87 in the case of L.N. Pipalia and others V/s. Union of India and others which are being followed by the respondent No. 2 in respect of employees belonging to non-ministerial cadre will be made applicable by the respondent No.2 to promotions of SC/ST candidates in all the cadres of Sabarmati Stores district."

He submitted that if the respondents follow and ~~strict~~ this statement made in the reply, the applicants do not want to proceed further with the application except that in case the respondents ~~pass~~ any order contrary to this version of their, the applicants should be at liberty to file the application before this Tribunal. The learned advocate Mr. N.S. Shevde for the respondents submitted that the respondents have made a catagorical statement in para 7 and therefore the ~~applicants~~ should have no apprehension on that point. Hence we pass the following order.

O R D E R

The respondents having made the statement in para 7 of the reply referred to above, ~~in our~~

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~~judgment~~ this application now becomes infructuous,
but if the respondents in future pass any order
adverse to the applicants in contravention of the
said statement referred to above, the applicants
would be at liberty to approach this Tribunal.

The application is disposed of. No order as to
costs.

Abu

(V. Radhakrishnan)
Member (A)

Raval

(R.C. Bhatt)
Member (J)

vtc.