

# CENTRAL ADMINISTRATIVE TRIBUNAL

## AHMEDABAD BENCH

**O.A. NO.** 399/89  
**T.A. NO.**

**DATE OF DECISION** 17-8-94

Mr. A.N. Gondhia \_\_\_\_\_ **Petitioner**

Mr. M.K. Paul \_\_\_\_\_ **Advocate for the Petitioner (s)**

**Versus**

Union of India and Others \_\_\_\_\_ **Respondent**

Mr. E.R. Kyada \_\_\_\_\_ **Advocate for the Respondent (s)**

### CORAM

The Hon'ble Mr. K. Ramamoorthy \_\_\_\_\_ **Member (A)**

The Hon'ble Mr. Dr. R.K. Saxena \_\_\_\_\_ **Member (J)**

### 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 ?

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Shri A.N. Gondhia  
Commercial Inspector DCS Office  
Western Railway, Rajkot.

Applicant

Advocate Mr. M.K.Paul

Versus

1. The Union of India  
Owing and Representing  
Western Railway,  
Through The General Manager  
Churchgate, Bombay.
2. The Divisional Railway Manager  
Western Railway, Rajkot.
3. Shri Jashwansingh Sandhu  
CMI Chief Commercial Superintendent  
Office, Western Railway Churchgate,  
Bombay.
4. Shri G.J. Pancholi DCMI  
DCS Office, Kothi Compound  
Rajkot
5. Shri D.R. Khanduja  
Commercial Inspector  
Western Railway, Ahmedabad.
6. Shri S.K. Shukla  
Commercial Inspector  
DCS Office, Pratapnagar,  
Baroda.
7. Shri D.K. Chancholi  
Commercial Inspector DCS Office  
Western Railway Retlam
8. Shri G.N. Chitre  
Commercial Inspector  
CCS Office Churchgate,  
Western Railway Bombay.
9. Shri K.T. Cherian  
Commercial Inspector  
DCS Office, Kothi Compound  
Western Railway, Rajkot.
10. Shri T.D. Mehta  
Commercial Inspector  
CCS Office, Western Railway  
Churchgate Bombay.
11. Shri D.D. Lal DCMI  
Western Railway, Bhavnagarpara
12. Shri M.L. Gadheria CMI  
DCS Office Pratapnagar, Baroda
13. Shri R.K. Sharma CMI  
DCS Office, W. Rly, Kota
14. Shri D.J. Kanani CMI  
CCS Office, W. Rly, Bombay.

Respondents.

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Advocate Mr. B.R. Kyada

ORAL JUDGMENT

In

Date : 17-8-94

O.A. 399 of 1989

Per Hon'ble Dr. R.K. Saxena

Member (J)

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Heard the learned counsel for the applicant Shri M.K. Paul and Shri B.R. Kyada for the respondents.

This application has been brought by Shri A.N. Gondhia on the ground that he was appointed as Assistant Commercial Inspector under the respondents but the promotion was not given on the pretext that he (the applicant) had not undergone the requisite period of training. It was also contended that Shri Jashwant Singh Shandu who was also appointed as <sup>Asst. Insp.</sup> Commercial Inspector in the similar situation in which the applicant was appointed, subsequently was promoted whereas the promotion was denied to the applicant. It has been brought to our notice by the respondents that the applicant has been given promotion on 8-4-1992. Thus there remains no grievance as regards the promotion.

2. The learned counsel for the applicant now contends that the seniority has not been fixed after the promotion was given. He also admits that as a matter of fact that no seniority list was published after his promotion. The matter of seniority appears to have not been considered because the applicant has approached this Tribunal. Any way, the second prayer at this stage cannot be granted. The learned counsel for the applicant is prepared to withdraw

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the application and make representation to the respondents to determine the seniority and other benefits. It appears that the D.R.M. (E) Rajkot has also referred the matter recommending the application of the applicant at a proper place. The matter <sup>not</sup> has been taken into consideration by the respondents. On the representation being made by the applicant within two weeks, the respondents shall take decision about the seniority and other benefits within three months and also take into consideration the recommendation made by the D.R.M. (E), Rajkot. In case, any grievance still remains the applicant is at liberty to approach the Tribunal. The application is disposed of accordingly.



(Dr. R.K. Saxena)  
Member (J)



(K. Ramamoorthy)  
Member (A)

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