

82
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O.A./1/90

CORAM : Hon'ble Mr. M.M. Singh .. Administrative Member

02/01/1990

Heard learned advocates Mr. P.S. Handa for the applicants and Mr. R.M. Vin for the respondents. Mr. Handa presses for ad interim relief especially ^{as} his fear is that the order~~s~~ for promotion is likely to be issued shortly despite the fact that the provisional seniority list has been published and objections ~~were~~ invited and the applicants have filed their objections which remain to be decided and the provisional seniority list is still to mature into final seniority list after taking into consideration the objections filed by the applicants. Mr. R.M. Vin for the respondents argued that the application is pre-mature as it has been filed before finalisation of the provisional seniority list and there is no ground for any ad interim relief as no orders for any promotion on the basis of the provisional seniority list have been issued. Mr. Vin also pointed out that the joint application by the eleven ^e applicants, who can, if at all, have individual grievance against any provisional or final ^{position in} seniority list, is also incorrect. So arguing Mr. Vin objected to admission as well as ad interim relief.

It is clear from the application that it has been filed under the apprehension that the respondents are ^{to} ^r ^{be} issuing some orders of promotions even though the seniority list has not been finalised. For such apprehension, Mr. Handa, learned advocate for the applicants, relied upon the pressure of the trade union on the respondents. According to Mr. Handa, one trade union is pressing for ^{issuing} of the promotion orders and the other ^{is} pressing for not issuing

of the promotion orders. According to Mr. Handa, the respondent No. 3, D.R.M., W.Rly., Pratapnagar, Baroda, has orally agreed to issue the promotion orders.

The application as such does not ^{make out} lay the ^{a convincing} convenience case for ad interim relief as, ^{at best} ~~on basis~~, it is a case of rival union pressurising the administration to agree to their respective approaches in which circumstances the administration should naturally like to follow the correct procedure and take correct decision.

In the circumstances, there is no ground for ad interim relief. So far as the matter of admission of the application is concerned, the same may be placed before the competent bench.

M. M. Singh
(M M Singh)
Administrative Member

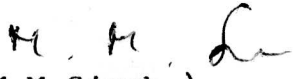
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O.A./1/90

Coram : Hon'ble Mr.A.V.Haridasan : Judicial Member
Hon'ble Mr.M.M.Singh : Administrative Member

09/04/1990

The learned advocate for the applicant Mr.P.K.Handa submitted that the matter has been settled and that the application may be treated as withdrawn. Hence the application is disposed of as withdrawn.


(M.M.Singh)
Administrative Member


(A.V.Haridasan)
Judicial Member

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