

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE O. A. /216/ 1990
NAMES OF THE OF 198.
PARTIES Munhazul Balleshanker & Ors.
VERSUS
Union & India's Post

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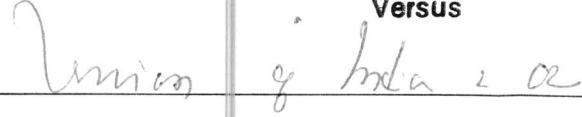
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

RA/M.A/Q.A./T.A./ 216 ⁹⁰ 1980

Manharlal Balawhanker  Applicant (s).

D. J. Chauhan  Adv. for the
Petitioner (s).

Versus

Union of India & or  Respondent (s).

B.R. Tyagi  Adv. for the
Respondent (s).

SR. NO.	DATE.	ORDERS.
	8/5/90	<p>Application (No bench is available on 8-5-80)</p> <p>(Copy Served)</p>

O.A./216/90

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

11/5/1990

Heard Mr.A.J.Vyas for Mr.D.J.Chauhan, learned counsel for the applicants. Nobody present on behalf of the respondents. The learned counsel for the applicant wants to amend the application. He may do so at his convenience. After the amendment application is filed, the case may be listed after the vacation. As the interim relief and the main relief are similar, there is no case for interim relief.

M. M. S.
(M.M.Singh) 11/5/90
Administrative Member

a.a.b.

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M.A./181/90
in
O.A./216/90

CORAM : Hon'ble Mr.M.M.Singh : Administrative Member
Hon'ble Mr.N.R.Chandran : Judicial Member

18/7/1990

Heard the learned counsel for the applicant
and the respondents. Orders reserved till 19.7.1990.

MCarr
(N.R.Chandran)
Judicial Member

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

AIT

M.A. 181/1990

in

O.A.216/90

Coram: Hon'ble Shri M.M. Singh, Adm. Member
Hon'ble Shri N.R. Chandran, Judl. Member

20-7-1990

O R D E R

Per: Hon'ble Shri N.R. Chandran, Judicial Member.

This is an application for amending the Original Application. This application is ordered. M.A.181/90 stands disposed of.

Regarding the main application (OA 216/90), since the matter requires further consideration, the application is admitted. Notice to respondents returnable by four weeks. Respondents to file a Reply within four weeks after the receipt of the notice. Applicants may also file a Rejoinder within two weeks after the receipt of the Reply. The case may be posted for final hearing after the records are complete.

The learned counsel for the applicants pressed for the grant of interim relief. Originally, in paragraph 8 of the application, the applicants wanted an interim order directing the respondents to give promotion to the applicants as Shunter immediately. On 11-5-1990 when the matter was posted, this Bench held that since the interim relief and the main relief were similar, there was

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MR

no case for grant of interim relief. When the case was posted again on 26-6-1990, arguments for interim relief was fixed on 9-7-1990. The matter was heard on 18-7-1990, when the learned counsel for the applicants submitted that he wanted a modified interim order and prayed for a direction to the respondents to send the applicants for training for promotion as Shunters. He also submitted that applicants No.1 and 3 had already been sent for training and hence applicants 2 and 4 who are also seniors, are entitled to be sent for training. The learned counsel for the respondents opposed this. He submitted that there is no proof that applicants 2 and 4 are seniors to other persons who had been sent for the training. He further submitted that since the applicants No.1 and 3 had been sent for training despite the pendency of the application, the respondents would have sent applicants No.2 and 4 also for such training if they were seniors. The fact that they were not sent for training establishes that they

are not seniors.

We have heard the rival contentions. the basis of the applicants' claim for being sent for training is that the applicants No.2 and 4 are seniors. The learned counsel for the applicant was able to establish from the records that applicant No.1 was senior to others who had been sent for training. In fact, the name of the applicant is found at Sl.No.481 whereas persons who figure at Sl.494 and above ~~had been sent for training.~~ But since the applicant No.1 had been sent for training during the pendency of the application, it is not necessary to pass orders with regard to him. Similar is the position with regard to applicant No.3, who had also been sent for training. With regard to applicants No.2 and 4 in respect of whom the learned counsel pressed for the interim orders, he did not produce any documents to show their position in the seniority list, apart from repeated oral assertions. He could not establish the seniority of the applicants No.2 and 4 as he did in the case of applicant No.1. Hence the prayer

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:-4:-

for interim relief, seeking for a direction
to the respondents to send the applicants
No. 2 and 4 for the said training, is rejected.

N. R. Chandran

(N. R. CHANDRAN)
JUDL. MEMBER

M. M. Singh

(M. M. SINGH)
ADMV. MEMBER