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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /239/90
T.A. No.

DATE OF DECISION 30th July, 1993.

Shri J.V. Mishra and others. Petitioner

Shri G.I. Desai Advocate for the Petitioner(s)

Versus

Union of India & others. Respondent

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

CORAM :

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

: Judicial Member

The Hon'ble Mr. M.R. Kolhatkar

: Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? X
3. Whether their Lordships wish to see the fair copy of the Judgement ? X
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

1. Shri J.V.Mistry,
2. Shri G.C.Desai,
3. Shri A.S.Merchant.

....Applicants

Advocate

Mr.G.I.Desai

versus

1. Union of India through
General Manager,
Western Railway,
Churchgate,
Bombay.
2. Divisional Railway Manager,
Pratapnagar,
Baroda.
3. Brij Singh,
Computer Centre Divisional Office,
Pratapnagar,
Baroda.
4. Smt.Indu Singh,
Chief Estimator,Drawing Section,
Divisional Railway Manager's office,
Pratapnagar,
Baroda.
5. O.P.Rally,
Chief Estimator, Assistant Engineer's
office, Western Railway, *
Anand.
6. Shri N.L.Taneja,
Senior Sleeper Inspector,
Assistant Engineer's office,
Sleeper (Factory,Kharsalia,
District-Panchmahals.

...Respondents.

Advocate

Mr.N.S.Shevde

JUDGEMENT

O.A./239/90

Date : 30/7/1993

Per : Hon'ble Shri M.R.Kolhatkar,
Administrative Member.

This case has a chequered

history having run the gamut of High Court, Civil Court and this Tribunal both as a transferred case and as an original case. Moreover, reliance has also been placed in this case on the judgements of sister Benches of CAT viz.. New Bombay and Jabalpur.

2. Petitioner no.1. was appointed as a direct recruit Estimator in the scale 150-225 through Railway Service Commission (RSC). . Petitioner no.2.& 3. were appointed as Tracers in the scale 60-150 on 28th January, 1955 and 29th November, 1954 respectively. Respondent no. 3 to 6 are Mhow trained Draftsmen and appointed on 31st January, 1957 (No. 3 to 5) and 8th February, 1957 (No.6) respectively. The contest is essentially between petitioners (2) & (3) who are rankers and between respondents no. 3 to 6 who are Mhow trainees, the issue involved being the legality of the option given to Mhow trainees and its effect on the seniority list.

3. It appears that Western Railway Head quarters Office by its letter no.E 834/5 dated 8th July, 1959 issued instructions governing the revised channel of promotion applicable to the Drawing Office Staff of Civil Engineering and Signal and Telecom Departments. This basic circular is not on record but has been cross-referenced in circular dated 11th February, 1960

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at Annexure A.. This circular states that tracers in the scale of Rs.60-150 (P) who have passed the eligibility test for promotion to the post of Draftsmen ~~or~~ Estimators in the scale of Rs.100-185(P) and are officiating as such should be allowed to exercise an option to choose their line of promotion either as Draftsmen ~~or~~ as Estimators. It further says that tracers scale (Rs.60-150) who have been confirmed as Estimators scale (Rs-100-185) should also be given such option as they will have no chance for their promotion as they are neither Diploma Holders nor they received any training in the Mhow training school which has since been closed down. (N.B. underlining supplied by us).

4. The significance of the underlined portion is that it makes clear the reason for allowing the option to tracers who are rankers and further clearly distinguishes their case from Mhow trainees who are clearly in a more advantageous position. The circular does not say in so ~~many~~ many words that Mhow trainees are direct recruits and as such not eligible for the option but the trend of thinking is crystal clear.

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5. Annexure A/1 is the Head Quarter circular dated 25th November, 1960. It clarifies the position in respect of Draftsmen and Estimaross working in the higher scale of Rs.150-225.. Again the distinction between rankers and direct recruits is crucial. It says that such Draftsmen/ Estimators ~~ix~~ promoted from rankers may be allowed to exercise the option subject to certain conditions but Draftsmen and Estimators in the scale of Rs.150-225 who have been directly recruited through RSC for specific posts are not eligible to exercise the option. Thus, the position re : R S C candidates is quite clear the reference to Mhow trainees as being comparable to direct recruits appears in the circular dated 11th February, 1960 at Annexure A as noticed by us earlier but a reference to Mhow trainees being on as par with R S C recruits (i.e. direct recruits) appears in an even earlier circular dated 20th December, 1958 from C E (E) Vide Annexure A/13. It says : " Those (Mhow trainees) who obtain less than prescribed percentage of marks and are appointed to grade Rs.100-185 (P) will be eligible for promotion in the normal way as candidates recruited through the R S C (under lineing supplied by us).

6. The position in this regard was specifically clarified by the Head Office by its

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circular dated 9th August, 1965 (Annexure A/3). It says : " There are some persons who were recruited as apprentices and given training as Draftsmen/ Estimators in the Mhow training school and on successful completion of their training were allotted to Divisions for appointment either as Junior Draftsmen or Junior Estimators in the scale Rs.= 100-185 (P)/ 150-240 (A) against the available vacancies. Since these persons have been appointed against specific posts they have to progress further in the line of promotion to which they have been appointed and no option can be allowed to them on bifurcation of the channel of promotion."

7. The underlined portion is quite clear and action could have been taken to review cases of such Mhow trainees vis-'a- vis rankers but the effect of the instructions was diluted in the subsequent para by asking for information regarding such persons indicating also the authority for allowing the options to these persons. A copy of the letter has been endorsed also to D S (E) Ratlam in the context of the case of Shri S.V.Khadkotkar.. We are high lighting this point as it was on Shri Khadkotkar's application that the Jabalpur Bench of C A T has pronounced its judgement.

8. At Annexure A/4 is the reference dated 13th June, 1969 made by D S (E) Baroda to G M (E) C C G. This mentions about the representation dated

14th April, 1969 from petitioners no. 2 and 3 and indicates that respondent no. 4 (Indu Pandit) now presumably Indu Singh) & Respondent no. 6. (Shri N.L. Taneja) who are Mhow trainees were wrongly allowed to exercise options and seeks instructions whether the options should be cancelled and whether they should be allowed to progress only as Draftsmen for which category they were initially appointed.

9. An Annexure A/5 is the circular dated 10th October, 1969 from (E/F)/C C G. This circular states in clear terms that on bifurcation, Mhow trainees were not to be given the option and issues following instructions for implementation :-

1. " Those Mhow trainees who had been given option and posted according to their options should be reposted to the category in which they were originally appointed.
2. In case they have been confirmed in the category other than the one in which they were appointed, they will carry their confirmation with them until they are permanently absorbed in their parent category.
3. Their seniority should be fixed under the normal rules in the interest of service."

In our view, this is the crucial circular having a bearing on the matter at issue in this case.

This circular, however, could not be implemented, because it was held ~~xx~~ in abeyance by office letter no.E 834/19 dated 14th January, 1970.

10. The circular dated 14th January, 1970 is not on record nor are reasons therefor clear. It has been cross-referred in Annexure A/6/.which is the circular dated 6th September, 1976 which appears to have been issued in the context of Special Civil Application No.1317/76 of Gujarat High Court, neither a copy of this S C A nor the decision of the High Court on S C A is on record. However, petitioners have stated on internal page- 8 of the application that petitioners no. 2 and 3 had filed S C A in August, 1976 against Mhow trainees' option. In the meanwhile, Western Railway by its circular dated 6th September, 1976 had issued instructions in supercession of its earlier letter dated 14th January, 1970 as below :-

" Seniority of Draftsmen/Estimators should be fixed ignoring the promotion on confirmation of Mhow trained candidates in wrong category for which they are not entitled."

11. Subsequent history of the case is recapitulated in office circular dated 28th October, 1985 from Head Office (Annexure A/7) and its relevant parts are reproduced below :-

An undertaking was given in the High Court of Gujarat in SCA/1317/76 filed by Shri G.I.Desai and others on 17th September, 1976 that steps as directed in Chief Engineer's communication dated 6th September, 1976 (i.e. Annexure A/6) will be issued. The BRC division issued a seniority list but Shri N L Taneja (Respondent no.6) and others (Mhow trainees) filed a Civil Suit no.470/78 in Civil Court, Godhra and the court stayed the seniority list issued by BRC . The seniority list issued by Head Quarters for Senior Draftsmen/ Senior Estimators scale 425-700 (R), therefore, did not show the position after implementing circular of 6th September, 1976. This was challenged in Gujarat High Court by Shri G C Desai and others in SCA/2326/80 filed by Shri G C.Desai and others and the case is subjudice. However, in the Civil Court, Godhra, pursis had been filed and pursis recorded by the Railway Advocate is that the decision of the High Court in SCA 2326/80 filed by S/Shri G.C.Desai and others will be acceptable to the Railway and during this

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the plaintiff will not be reverted."

12. This circular dated 24th October, 1985 directs implementation of instructions dated 6th September, 1976 to fulfill the undertaking given in the High Court in SCA/1317/76. It also makes a specific reference to respondents no. 3 and 4 as below :-

" Some Mhow trainees were made eligible in the written suitability test to the post of D /Assistant scale Rs.335-485(A) in 1972 vide this office letter no. E/81925/33 dated 26th April, 1972. As a result of this test, the employees Shri Brijraj Singh, D.R.Kaul and Mrs. Indu Singh were declared suitable under this office letter no. E/81025/33 dated 9th August, 1972. It will be seen that these employees do not become eligible to appear in the suitability test if their seniority is fixed ignoring the promotion in wrong category for which they are not entitled. In view of this, their names will have to be deleted from the select list.. This may also be advised to them."

13. SCA/2926/80 of Gujarat High Court & got

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converted in to TA/64/86 of Ahmedabad Bench on 19th January, 1987^{and} the CAT ~~of~~ Ahmedabad Bench disposed of the TA as below :- (Annexure A/9)

" Learned advocate for the applicant states that seniority list drawn up vide order dated 9th September, 1986 (Annexure A/8) in which the petitioners have been given their proper place at Sr.No.10 and 12 and referred to in Western Railwayx memo dated 24th October, 1985 on implementation will meet the requirements of the case. The learned advocate for the respondents has stated that this position is correct. Accordingly, the cause would not survive on implementation of seniority list dated 9th September, 1986 and the case is disposed of accordingly. The Respondents (Railway) are directed to implement the seniority list and give consequential benefits arising there from."

14 The matter, however, did not end here . Respondents no. 3 to 6 filed O.A./358/86 in this Tribunal challenging the seniority list dated 9th September, 1986. Advocate for the Railways stated that objections were not registered within the period allowed for it. This Tribunal passed

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the following order on 13th February, 1989.

" Railway Administration to consider the present petition as representation including the documents annexed thereto against the impugned seniority list and pass such orders as are justified on merits."

15. In this background, the orders dated 19th March, 1990 (Annexure A/11.) have been issued. These orders revise the seniority of respondents no. 3 to 6 in this case. Regarding petitioners no. 2 and 3, it is stated that position of S/Shri G.C.Desai and A.S.Merchant in the combined seniority list will remain as it is. Only serial number will change." It is clear that this latter statement of the Railway Administration is factually wrong. The orders in question do adversely affect the seniority of Petitioners no. 2 and 3... It is this order which has been challenged by the Applicants in this original application filed on 7th May, 1990.. The petitioners have prayed that this circular dated 19th March, 1990 may be set aside, Respondents no. 3 to 6 may not be allowed to be included in the seniority list dated 12th May, 1988 and Respondents may not be promoted and the Tribunal's order dated 19th January, 1987 may be implemented.

16. The case of the Petitioner is that Respondents no. 3 to 6 who are directly recruited for

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training at Mhow and appointed as Assistant Draftsmen in the scale Rs.100-185 had been allowed to opt for the category of Estimators on 2nd May, 1960 which was totally irregular and unjustified. Their revised position in the combined seniority list as Head Draftsmen/ Head Estimators/Designer Assistant scale Rs.1600-2660(R) is based on this option which is totally irregular, unjustified and without any merit.. It is also alleged that irregularities are committed by Railway Administration through Union pressure, two of the Respondents being office bearers.

17. Respondents no. 1 and 2 Railway Administration in their reply have stated that as per directions issued by the Ahmedabad Bench of the Tribunal in O.A./358/86, competent authority considered the position and decided that the option exercised by Applicants in that O.A.. (Respondents no. 3 to 6 in the instant case) and others on 2nd May, 1960 may be considered as valid and to regulate their seniority accordingly.. The Railways have specifically relied on the judgements of New Bombay and Jabalpur Benches in following terms..." Other two Benches had decided identical cases which were applicable to the facts of the application in O.A./358/86..." Averments made by the applicants do not survive as the points have been decided by the two Benches of the Hon'ble Tribunal."

"Any orders passed and instructions issued before the decisions of the New Bombay Bench and Jabalpur Bench of the Hon'ble Tribunal, do not remain operative and the respondents are required to implement the judgement of the Tribunal in the matter."

18. Respondent No.3 . Shri Brijraj Singh who pleaded his case in person has stated in his reply that the options given by Mhow trainees are valid as decided by C A T, Bombay in 1988, ^{and} C A T , Jabalpur in 1989 and the directive of C A T, Ahmedabad, dated 13th February, 1989 and competent authority from Head Quarters has given the " Judgement " conveyed through letter dated 19th March, 1990 . He has also questioned the locus standi of petitioner No.1. (J V Mistry) . Respondent No.3.'s reply has been adopted by Respondent No.4.. Respondent No.5. and 6 have filed a separate reply. They have stated that petitioner No.1. was not at all a party any where. They have also relied on judgement of C A T , New Bombay and Jabalpur. According to them, all relevant points arising between 2nd May, 1960 to 1989. have been finally decided by the Administration as per direction of C A T, Ahmedabad. Respondent no.5 and 6 have conceded that they have been the office bearers of the Trade Unions since 1966 but have asserted that they never availed any undue opportunity or favour from the Administration at any occassion.. The decisions of

the Railway has been purely based on natural justice and on the judgement/ directions of various benches of C A T.

19. In their rejoinder, the petitioners have stated that petitioner No.1. is also aggrieved because of irregular option considered as valid. Apart from repeating the references to various circulars of Railway Administration from 20th December, 1958 onwards, Petitioners have assailed the judgements given by New Bombay Bench in O.A./145/87 delivered on 1st February, 1988 and by Jabalpur Bench in T.A./434/86 delivered on 22nd June, 1989.

20. As Railway Administration as well as other Respondents have relied on the judgements referred to above, it is necessary to notice them.

21. Central Administrative Tribunal,
New Bombay.

The case was filed by one H.M.Joshi, who was a Mhow trainee and strated service as a Draftsman in scale 100-185. He exercised his option on 10th January, 1961 ^{file} working in Rajkot division and his option was acknowledged. He got various promotions by dint of this option and in 1981 became Assistant Engineer (Ad hoc). In 1986, he appeared for a written test as well as interview for regular promotion as

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as Assistant Engineer but he was not given officiating promotion, When he represented, he was given a reply on 14th May, 1986 informing him about the decision to refix his seniority in view of option wrongly accepted. C A T Bombay set aside this letter dated 14th May, 1986 directed Railways to treat the option exercised by Applicant on 10th January, 1961 as valid and to declare the result of the Applicant in written and oral tests for the post of Assistant Engineer and consider the case ~~for~~ of the Applicant for that post on the basis of such result.

22. In that case, Railways took the stand that the authorities had committed a mistake in allowing the Applicant to exercise option. The Tribunal repelled the contention by holding firstly that there was no mistake and that the particular Applicant was a **promotee**. The result is arrived by at steps which are as below :-

23. The Applicant was originally i.e. in June, 1957 appointed as a Draftsman. In 1961, his application to R SC for post of Senior Estimator was not forwarded. On 10th January, 1961, he exercised his option for the line of promotion through Estimator category. He was appointed as Estimator by dint of his option, dated 10th January, 1961. The Tribunal observes : " When the Applicant was recruited as Estimator in 1957, the scale of the

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post was Rs.100-185. At that time, the post of Senior Estimator carried a pay scale of Rs.150-225. The Applicant was actually promoted as Senior Estimator in 1962 after his application for direct recruitment to that post had been returned without being forwarded to R S C. Therefore, so far as the post of Senior Estimator in the grade of Rs.150-225 is concerned, the Applicant was indeed a promotee i.e. a ranker promoted to that post. Reading the circular letter on its plain language, it cannot be said that the Applicant was not eligible to exercise the option. In para-2 (b) (of letter dated 25th November, 1960) Draftsmen and Estimators in the scale Rs.150-225 directly recruited through R S C were declared ineligible to exercise the option; The Applicant does not fall in the category not having been directly recruited to the scale Rs.150-225."

24. With Respect, the reasoning of the Tribunal, appears to be flawed. Firstly, Mr. Joshi was initially appointed through Mhow training centre as a Draftsman and not as an Estimator. In fact the first para of the order of the Tribunal itself states that Mr. Joshi was appointed as Draftsman. The crux of the matter is; Draftsman opting for a different line of Estimator. Secondly, his appointment as Estimator from 6th May, 1961 was ab initio wrong as it was based on an option wrongly allowed to be

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[as it was based on an option wrongly allowed to be] exercised because he was not a ranker Draftsman but a Mhow trainee Draftsman specifically recruited for the post of a Draftsman. Even apart from this aspect, by no stretch of imagination could ^{he} be called a ranker promoted as Estimator. It appears that the Tribunal has used the term " ranker " in the sense of any one holding a lower pay scale vis-a-vis scale of Rs.150-225. We, therefore, respectfully disagree with the conclusion that Shri Joshi was validly allowed to exercise the option. The Tribunal, appears to be aware of the weakness of the argument because it further says " On a plain reading of the letter dated 25th November, 1960, a plausible view could be taken that persons like the Applicant were eligible to exercise the option." A " plausible " view is quite different from a " conclusive " view.

25. The Tribunal then refers to Railway Administration circular dated 6th September, 1976 which makes reference to earlier letter dated 10th October, 1969 which was held in obedience on 14th January, 1976 . In para-2 of ~~this~~ circular, it is stated that recognized unions were also consulted in the matter who did not agree to give option to Mhow trained candidates. The Administration then restored the instructions dated 10th October, 1969. The Tribunal juxtaposes the circular

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dated 25th November, 1960 (as interpreted by it)
and the circular dated 6th September, 1976 and concludes
that initially Mhow trained candidates were eligibel to
exercise the option^{but}/that there has been a change of policy
under pressure of unions, but that such a change cannot
be given retrospective effect and therefore, cannot
prejudicially affect Shri Joshi who in 1976 was holding
the post of Chief Design Assistant and subsequently
took test for regular promotion to that post as well
as the higher post of Assistant Engineer.

26. Here, the logic of the Tribunal is
even more flawed and its data base more imperfect.
First of all, there was no change in policy. The instru-
ctions dated 6th September, 1976 appear to be a change
only because the Tribunal held the circular dated 25th
November, 1960 as permitting options to Mhow trainees.
The attention of the Tribunal also does not appear to
have been drawn to intervening developments including
instructions of 9th August, 1965 referred to by us
earlier . Moreover, the reference to consultation with
union has been quite wrongly treated as acting under
pressure.. The Tribunal does not appear to have noted
that not the circular dated 6th September, 1975 but
rather the circular dated 14th January, 1970 holding in *obeyance*
the instructions dated 10th October, 1969 could be
said to have been issued under pressure. This supposition

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appears to have clouded the views of the Tribunal. Moreover, its attention does not also appear to have been invited to the Railway/^{Administration} circular dated 24th October, 1985.

For the above reasons, we do not consider ourselves to be bound by the decision of the Bombay Bench which we consider as *per incuriam*.

27. Jabalpur Bench :-

In this case one S.V. Khodkotkar, after his training at Mhow, was posted as Assistant Draftsman on 6th November, 1958 in the grade Rs. 100-150. He exercised the option for the cadre of Estimators on 11th July, 1967. The Tribunal has not gone into the question whether the option was validly taken. The Respondents, Railway Administration by their letter dated 29th December, 1977 based on C E's letter dated 6th September, 1976 had stated that he was wrongly given the option and that his seniority is required to be refixed. The attention of the Bench was also drawn to circular dated 24th October, 1985 which refers to Gujarat High Court¹⁵ and C A T Ahmedabad's decisions. However, it was argued before the Tribunal that C A T Ahmedabad's ~~in~~ order dated 19th January, 1987 was without any contest or without notice for hearing to the Mhow trainees affected by such proceedings. The

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Jabalpur Tribunal has proceeded on the basis of the premise that Railway Administration circular dated 6th September, 1976 represented a change of policy. In this, it appears to have been have been influenced by Bombay Tribunal's decision which it has quoted with approval.. Jabalpur Tribunal has ~~x~~ also held that no opportunity was given to the petitioner of being heard before change of his position in the seniority list. The Tribunal held that the petitioner was entitled to be considered for promotion to the post of Estimator with effect from 1st December, 1983 when Respondents No. 3 and 4 were promoted. The Tribunal adds that they do not question the merits of the revised policy but it (i.e. revised policy) shall apply only prospectively. Thus, the Jabalpur judgement does not go into the back ground of the case and appears to accept the view of the Bombay Bench that the circular dated 6th September, 1976 represented a change of policy which could not be retrospective. We have already dealt with the merits of the judgement of the Bombay Tribunal.

and hence, what we stated re: C A T Bombay's judgement applies with greater force to Jabalpur judgement.

28. . Keeping in view this whole background, our conclusions are as below :-

- 1.. The circulars of Railway Board since 20th December, 1958 make the department's policy to be very clear that on

bifurcation of channels of promotion for drawing office staff with effect from 8th July, 1959 only the rankers i.e. tracers in the scale Rs. 60-150 and Draftsmen and Estimators in the scale Rs. 100-185 who had risen from ranks were to be allowed to exercise an option to choose the line of Draftsman or Estimator. The circular dated 25th November, 1960 clarified that Draftsmen and Estimators even in the higher grade of Rs. 150-225 were to be given this option so long as they had been promoted from rankers. The circular dated 25th November, 1960 specifically excludes directly recruited R S C candidates from exercising the option. However, the circular dated 11th February, 1960 (the earlier circular) had clearly distinguished between rankers who have no chance of further promotion and Mhow trainees. The circular dated 20th December, 1958 is prior to the bifurcation but it is clear on the point that Mhow trainees are direct recruits like R S C candidates and not rankers.

2. Railway Administration became aware of some Divisions wrongly allowed options to Mhow trainees as early as 1965 vide circular dated 9th August, 1965 which makes it clear

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that " no option can be allowed to Mhow trainees."

3. The Circular dated 10th October, 1969 gives directions to Divisional Administration to ~~xxxx~~ review cases of wrong options of Mhow trainees.

4. Thus, the policy of the Railway Administration was consistent from 1958 to 1969. It was only the circular dated 14th January, 1970 holding the instructions dated 10th October, 1969 in abeyance which marked a pause but not a departure. These instructions were reinstated on 6th September, 1976.

5. Thus, Mhow trainees were direct recruits like R S C recruits and it was **never** intended to give them option.

6. There was ~~th46~~ no change in policy was only reiterated by the instructions dated 24th October, 1985.. If there was a pause in 1970, it appears to be under extraneous pressure. . Respondents no. 5 and 6 in this case have conceded that they have been union office bearers since 1966. It is significant to note that it is these respondents who stood in the way of implementation of the solemn undertaking given by Railway Administration

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before Gujarat High Court in SCA 1317/76 by filing a civil suit 470/78 in Civil Court Godhra, which however, concluded by accepting the decision of High Court in SCA 2326/80 which was converted into TA 64/86 of this Bench. This TA upheld the seniority list issued with letter dated 9th September, 1986 which implemented Railway Administration Instructions dated 24th October, 1985 which were a continuation of the earlier circular dated 16th September, 1986.

29. We, therefore, pass the following order :-

ORDER

1. Application is allowed. Railway Administration circular dated 19th March, 1990 is quashed and set aside and

2. Railway Administration directed to implement its consistent of policy in relation to drawing office staff and Mhow trainees as contained its following circulars, so far as the parties to this case are concerned,

a. No.E.834/19 dated 10th October, 1969 from CE (E)/CCE.

b. No.E./Engl./Drg./834/19 (Mhow trainees) dated 6th September, 1976

c. E/Engl./Drg./839/19/ Mhow trainees
dated 24th October, 1985.

3. Railway Administration (Respondents no. 1 and 2) to comply with the order of this Bench in TA 64/86 and modify the seniority list issued subsequent to 9th September, 1986 taking that seniority list as the basis. ^{4.} No order as to costs.

R.C. Bhatt

(R.C. Bhatt)

Judicial Member

SSH

M.R. Kolhatkar

(M.R. Kolhatkar)

Administrative Member.

Date	Office Report	Order
4.11.93		<p>Heard learned advocate Mr.P.K. Handa for the applicant. This application is filed by the original respondents 3 to 6 to stay the implementation of the judgment of this Tribunal in O.A. 239/90. Mr. Handa learned advocate for the original respondents 3 to 6 submitted before us that these respondents have filed R.A. in this matter and today with consent of learned advocate Mr. Handa, we proposed to hear the said R.A. ^{by way of} by way of preliminary hearing and therefore, we reject this M.A for staying the implementation of our judgment in O.A.239/90. M.A. 602/93 is disposed of.</p>

M.R. Kolhatkar
(M.R.Kolhatkar)
Member(A)

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

vtc.