

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 497 of 1990  
~~TAX No.~~

DATE OF DECISION 30th September, 1994.

Shri R.K.Vaishnav Petitioner

Miss S.K.Mandavia Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

Shri R.M.Vin Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. K.Ramamoorthy : Member (A)

The Hon'ble Mr. Dr.R.K.Saxena : Member (J)

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 ?

No

Shri R.K.Vaishnav,  
SEF/JLR Western Railway,  
Bhavnagar Para,  
Bhavnagar.

...Applicant.

(Advocate : Miss S.K.Mandavia)

Versus

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

2. The Divisional Railway Manager,  
Western Railway,  
Bhavnagar Para,  
Bhavnagar.

...Respondent s.

(Advocate : Mr.R.M.Vin)

ORAL JUDGMENT

O.A.NO. 497 OF 1990.

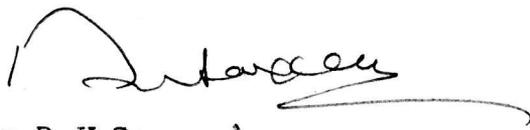
Date : 30/09/1994.

Per : Hon'ble Dr.R.K.Saxena : Member (J)

The applicant Shri R.K.Vaishnav, has approached this Tribunal seeking relief of directions for being promoted to the post of Group - 'C' and to ~~make~~ <sup>make</sup> consequential benefits available to him.

Simultaneous relief sought by the applicant was that the respondents be restrained from promoting juniors to the applicant. The respondents informed us and also mentioned in the written reply that the applicant was promoted. The learned counsel for the applicant

concedes this fact ~~but~~ it is pointed out that he was promoted on adhoc basis whereas he ought to have been promoted on regular basis and the date of promotion ought to have been given with effect from the <sup>date when</sup> juniors were promoted. Since the adhoc promotion has been already given to the applicant, the main and basic relief is already granted by the respondents. So far as the regular promotion and the date of promotion is concerned, the applicant is prepared to make a representation to the respondents which may be considered sympathetically and effectively. We, therefore, direct that the applicant shall make a representation within four weeks from the date of the copy of the order is received and the respondents shall dispose of the said representation within a period of 12 weeks therefrom. The application is disposed of accordingly. No order as to costs.



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



(K. Ramamoorthy)  
Member (A)

ait.

OA / MA / CP / RA No .....

Date & Office Report	Hon. Bench Order's
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MAst/496/09 in OA/497/90

Mr. R.D. Acharya Adv.  
for the MA applicant  
filed the instant MA  
for modification of  
Order passed in OA/497/90  
on 30/9/94. Spec. copy.

The MA is under  
Objection ~~due to~~  
(1) Welfare Stamp not  
affixed on V.P.

- (2) Annexures not Attested
  - (3) MA for C.O.D. not filed
  - (4) Sufficient Spec. Copy not filed
- ~~MA is posted before  
Registrar Court for  
removal of defects.~~

~~for~~ 09/90 ~~Sc (S)~~

109B

Not present put up for  
signature

~~12/10~~ ~~Sc (S)~~ ~~12/10~~ ~~M~~ ~~12/10~~

Og. not removed, may  
be listed under og.

~~27/10~~ ~~Sc (S)~~ ~~27/10~~

~~28/10~~ ~~M~~ ~~28/10~~

6/11/09

Name appeared over objection  
removed. Adjourned to  
22/11/09 ~~Sc (S)~~

OA / MA / CP / RA No 001 / 09

Date & Office Report	Hon. Bench Order's
<p>27/11/09</p> <hr/> <p>Alone appeal Adjourned to 10/12/09</p> <p style="text-align: right;">b 25/11</p> <p><u>10.12.9</u></p> <p>Sufficient time granted for rectifying the defects, as mentioned in the order of 9.11.09.</p> <p>List before court on 16.12.9.</p> <p style="text-align: right;">bcs 10.12.9</p>	<p style="text-align: right;">10/12/09</p> <p style="text-align: right;">bcs</p>

Date & Office Report	Hon. Bench Order's
16.12.09	<p data-bbox="597 318 1073 363"><u>MAST.496/09 &amp; OA.497/1990</u></p> <p data-bbox="597 405 1377 534">Mr. K.I. Acharya, learned counsel for the applicant is heard.</p> <p data-bbox="954 581 1040 626" style="text-align: center;"><u>Order</u></p> <p data-bbox="597 665 1398 710">Per : Hon'ble Mr. Shankar Prasad, Member (Admn.)</p> <p data-bbox="597 797 1398 1179">This MA is posted before the Bench, as this petition had still not been registered, as MA for condonation of delay had not been moved and as index to the miscellaneous application was incomplete.</p> <p data-bbox="597 1226 1398 1442">2 Regular number should be given to the MA in the facts and circumstances of this case and in view of the orders we propose to pass.</p> <p data-bbox="597 1489 1398 2034">3 The Tribunal vide its order dated 30.9.94 had directed that the applicant shall submit his representation within four weeks and that the same shall be considered within 12 weeks thereafter. The applicant submitted the representation on 15.12.1994. It was not considered as it was not moved within the period specified in the order. </p>

of orders.  
2/09  
S.O. (P) / Pres

**Form No.. : 4**

MA / CP / RA No .....

**Date & Office Report**

**Hon. Bench Order's**

4 This MA is moved for modification of this order so that this representation is considered on merits. It is moved after a gap of more than 14 years. It is a badly delayed application. It is fit to be dismissed and is dismissed. No costs.

copies prepared for all  
concerns. VPS  
12/1/10

*Shankar Prasad*  
**(Shankar Prasad)**  
**Member (Admn)**

*W.A. Shah*  
**(W.A. Shah)**  
**Member (Judl.)**

sk