

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

C.A./89/95 in

O.A. NO./ 127/90**T.A. NO.**DATE OF DECISION 13th March 1996

Western Railway Employees' Union, Petitioner
Bhavnagar.

Mr.M.M.Xavier Advocate for the Petitioner (s)

Versus

Union of India & ors. Respondent

Mr.R.M.Via Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N.B.Patel

: Vice Chairman

The Hon'ble Mr. V.Radhakrishnan

: Member (A)

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 ?

JNO.

Western Railway Employee's Union
Bhavnagar para.

Applicants

Advocate Mr.M.M.Xavier

versus

1. The Union of India,
Western Railway & ors.

1. Shri D.V.Anand,
D.R.M.,Bhavnagar para.

2. Shri G.L.Meena,
Sr.Divl.Pers.Officer,
Bhavnagar para.

Respondents

Advocate Mr.R.M.Vin

ORAL ORDER

C.A.89 of 1995 in

O.A.127 of 1990

Date: 13-3-96

Per Hon'ble Shri N.B.Patel Vice Chairman

It appears that the decision which was required to be taken by the Respondents within a specified period was not taken within that period but it is actually taken after service of notice of this C.A. on the Respondents. So far as our direction in the judgment is concerned, it required the Respondents to take a decision and it also made it clear that it will be open to the applicants to take appropriate legal steps if the decision taken by the Respondents was

adverse to them. The decision having already been taken, we do not see enough ground to proceed further with this C.A. which is based only on the ground that the decision was taken beyond the permitted period. However, it is the contention of Mr.Xavier that the Respondents have committed a more grave disobedience of the directions issued by us by taking a decision without considering the Rules relevant to the issue and the entire exercise of taking the decision is only a camouflage behind which the Respondents try to defeat the directions of this Tribunal. Mr.Xavier states that if the proceedings in the C.A. are closed, it may be kept open to the applicants to file a fresh C.A. on the aforesaid ground. The present proceedings are closed even though the decision was taken beyond the permitted period. However, it will be open to the applicants either to file a fresh C.A. or O.A. on the above ground. C.A. stands disposed of accordingly.

2. We would have ordered payment of cost to the applicant in this case for the default committed by the Railways in not taking any decision even though no extension of time was sought for or obtained by them. However, after hearing the ~~agent~~ ^{plea} of Mr.Vin not to award cost in this particular case, we do not pass any order as to cost but make it clear that in future we may have ^{to} consider awarding cost in such cases.

(V.Radhakrishnan)
Member (A)

(N.B.Patel)
Vice Chairman