

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

No:

A/

/86/87/88/89/90

B.D.Patel House,
Nr.Sardar Patel Colony,
Post Navjivan,
AHMEDABAD- 380 024.

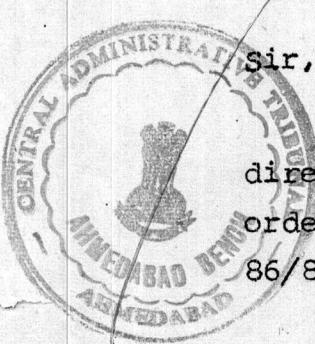
To

Date :

Shri
Advocate for the applicant.

Shri
Advocate for the respondent.

Sub: Change in the date of hearing.



Sir,
With reference to the subject mentioned above, I am
directed to state that the date fixed earlier for hearing/
order/Admission on _____ in Case No. A/ /
86/87/88/89/90 is now shifted to _____.

2. Kindly note the change in the date of hearing.
3. If necessary you may inform your client to remain
present in the courts.

Yours faithfully,

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

Received a copy:

SIGNATURE _____ Advocate for the applicant.

SIGNATURE _____ Advocate for the respondent.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

RA/MA/DA/TAT

226

1991.

Vinodkhai Khedabhai Chauhan Applicant(s).

Mr. M. S. Patel

Adv. for the
Petitioner(s)

VERSUS

Union of India & Ors

Respondent(s)

Mr. R. M. Mehta

Adv. for the
Respondent(s)

S.R. NO.	DATE	ORDERS
		Service Relieving/Reverting Copy Served
13/6/91	F/A	
14/7/91		Date confirmed to pet. advocate noted X/2009 2-6-91
9/7		Issue notice of order Offer of admission 20/7/91
24/7		Rept. Recd. Room resp. no. 2 & kept with 04/8/91
5/8/91		None present. As the notice Service of issued on 16.7.91 & no proof of service is on record. So matter is adjourned on 27.8.91 for filing reply in the interest of Justice.
30/8/91		Recd. Service 28/8/91 The Registry

1900

15 v.
22 A.D.

16.7.97

on 16.9.91

for Son 6/18/81

placed for appropriate
and proper notice (Sect.)
and the plaintiff has already
been given the opportunity
to file his answer. The
plaintiff's answer is filed
and the defendant's answer
is filed. The defendant's
answer is filed.

Reply filed by Respondent's adv. on

REF. 5
1286
30/09/91

50091
None present. Second Set of ~~copy~~ is
file instead of Second set - this may be corrected
accordingly. Prejoiner also in file. matter
arising for filing rejoinder on 18-10-91
S. S. Sastry.

None present. Rejoinder not filed as matter of
for appropriate order. *Regis* *gallorum*

Rejoinder filed by Shri M.M.Xavier
adv. for respondents. reserved on applic't's day

4/91 Notice -
93 Hon'ble court has passed orders to plan
for PPA in last week of Dec. 93,
have in the last week

but vacation is there in Dec. it may be kept for FH on 23/12
date may be informed to the adv.

92
Natas
Hank
300
sp.
all
B&B
from
petition
JUL

Date	Office Report	ORDER
13.6.1991	Present : None present for the parties.	<p>Neither the applicant nor his counsel present. The case is adjourned. Registry to list the case in the normal course.</p> <p><i>R.C.Bhatt</i> <i>M.M.Singh</i></p> <p>(R.C.Bhatt) (M.M.Singh) Judicial Member Administrative Member</p> <p>AIT</p>

Date Office Report.

4-7-91

Present: Mr. M.M. Xavior, learned counsel for the applicant.

Mr. R.M. Vin, learned counsel for the respondents.

O R D E R

Heard Mr. M.M. Xavior, learned counsel for the applicant and Mr. R.M. Vin, learned counsel for the respondents. Admit.

Applicant has filed M.A./228/91 for permission to produce copy of order dated 18-6-91 issued by D.R.M. Office, Bhavnagar Para.

Learned counsel for the respondents has not opposed. Permission granted. M.A. disposed of.

This paper should be add^h to applicant's papers and ^h given serial number in O.A..

With regard to prayer for interim relief, Mr. Xavior says that with the reversion, the applicant will face ^h irreparable loss. However, above order dated 18-6-91 shows that the respondents ^{signed h} to the order of reversion of the applicant in order to implement the interim order passed by CAT. This interim order of CAT has not been produced. The ^{with h} order showing that they are served in order to comply with the order of CAT, we would not interfere with such an order by giving interim relief as prayed. The prayer for interim relief is therefore rejected.

Date	Office Report.
------	----------------

Reply Submitted

Reply filed

Rejoinder not filed

10th instant

1-X-91

SD

Respondents to file the reply in O.A. on merits within four weeks with advance copy to the applicant's counsel.

Applicant's counsel shall have two weeks thereafter, to file rejoinder if any with advance copy to respondent's counsel. Matter may be listed for final hearing, thereafter.

RcB
(R.C. Bhatt)

Judicial Member

MMS
(M.M. Singh)
Administrative Member

*Kaushik

Present : Mr. M.M. Xavier, learned advocate for the applicant.

None for the respondents.

The record does not show the second copy of the reply having been given by the respondent. The respondents to supply the second copy of the reply. The applicant to file rejoinder if any within two weeks, and then the matter be listed for final hearing in due course.

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

PHM
(P.S. Habeeb Mohammed)
Member (A)

AIT

M.A. 311/92

in

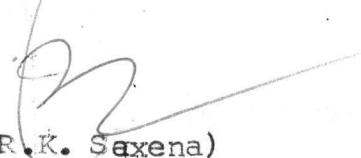
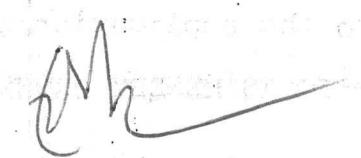
O.A. 226/91

(4)

Date	Office Report	ORDER
(11) 13.10.92		<p>Mr. M. M. Xavier for the applicant who has filed M.A. 311/92 for producing additional documents annexed to the M.A. None for the respondents. Heard. M.A. is allowed. The applicant is directed to give a proper annexure number of this letter ^{to the} produce letter, in the Registry and also intimate the respondents about it. M.A. is disposed of.</p> <p><i>Mr. Bhatt</i> (R.C. Bhatt) Member (J)</p> <p><i>N.V. Krishnan</i> (N.V. Krishnan) Vice Chairman</p> <p>vtc.</p>
26/8/93		<p>Mr. Xavier for the applicant is not present. Mr. Vin for the respondents is present.</p> <p>Call on 2/9/93.</p> <p><i>M.R. Kolhatkar</i> (M.R. KOLHATKAR) Member (A)</p> <p><i>R.C. Bhatt</i> (R.C. BHATT) Member (J)</p> <p>ss</p>

Date	Office Report	Order
23-12-93		<p>Mr. M. M. Xavier and Mr. R. M. Vin are present. Matter is fixed for final hearing on 09-3-94.</p> <p>12</p>
		<p>(K. RAMAMOORTHY) MEMBER (A)</p> <p>(N. B. PATEL) VICE CHAIRMAN</p>
9-3-94		<p>*AIT</p> <p>Mr. Xavier is not present. At the request of Mr. Vin, adjourned to 18-4-94.</p>
		<p>(K. Ramamoorthy) Member (A)</p> <p>(N. B. Patel) Vice Chairman</p>
		<p>AS*</p> <p>For want of time the matter is adjourned. 10.12.94</p> <p>R</p> <p>(K. RAMAMOORTHY) MEMBER (A)</p> <p>(N. B. PATEL) Vice Chairman</p>

(7)

Date	Office Report	Order
12-5-94		At the joint request of learned advocates adjourned to 7-7-1994.  (Dr. R.K. Saxena) Member (J)
		 (V. Radhakrishnan) Member (A)
7-7-94		Time being over adjourned to 28-7-94  (Dr. R.K. Saxena) Member (J)
		 (K. Ramamoorthy) Member (A)
28-7-94		Mr. Xavier is present. None for the respondent. Adjourned to 8-9-94.  (Dr. R.K. Saxena) Member (J)
		 (K. Ramamoorthy) Member (A)
14-9-94		*AS. Mr. Vin has filed sick note. Adjourned to 27-9-94.  (Dr. R.K. Saxena) Member (J)
		 (K. Ramamoorthy) Member (A)
		*AS.

Date

Office Report

ORDER

27/9/94.

Mr. M.M. Xavier has filed leave note. Mr. R.M. Vin learned counsel for the respondents present.
Adjourned to 6.10.1994.



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



(K. Ramamoorthy)
Member (A)

ait.

6.10.94.

The counsel for the applicant states that he has filed O.A./99/94.

Date	Office Report	ORDER
23-2-95		<p>Adjourned to 22-3-95, at the request of Mr.Vin as he is feeling indisposed.</p> <p><i>L</i></p> <p>(K.Ramamoorthy) Member (A)</p> <p><i>7</i></p> <p>(N.B.Patel) Vice Chairman</p>
		<p>ssh*</p>
22-3-95		<p>Leave note filed by Mr.Xavier. Adjourned to 26-4-95.</p> <p><i>L</i></p> <p>(K.Ramamoorthy) Member (A)</p> <p><i>7</i></p> <p>(N.B.Patel) Vice Chairman</p>
		<p>ssh*</p>
95		<p><u>O.A.226/91 with O.A. 99/94</u></p> <p>Adjourned to 28-6-1995 at the request of Mr.Vin and with the consent of Mr. Xavier.</p> <p><i>O</i></p> <p>(K.Ramamoorthy) Member (A)</p> <p><i>7</i></p> <p>(N.B.Patel) Vice Chairman</p>
		<p>vtc.</p>

Police Report

ORDER

Leave note filed by Mr. Xavier. Adjourned to 20-7-95.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

ssh*

1-7-1995. Arguments heard in part. Adjourned to 25.8.95 at the joint request of learned advocates. As the arguments in Malick's case ~~are already~~ is in progress before Supreme Court and the judgment in that case may ~~be~~ have bearing on the question arising in this case.

Call on 25.8.1995.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

ait/djp.

5-8-95 None present for the parties. Adjourned to 1-9-95.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

1-9-95 On account of sad demise of Hon'ble Chief Minister of Punjab, Shri Bebe Singh, adjourned to 29-9-95.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

Date	Office Report	ORDER
29.9.95		<p>Mr.Xavier is not present. However, adjourned to 13.10.95.</p> <p><i>[Signature]</i></p> <p>(K.Ramamoorthy) Member (A)</p>
13-10-95		<p>Mr.Xavier and the applicant are not present. However, adjourned to 10-11-95.</p> <p><i>[Signature]</i></p> <p>(K.Ramamoorthy) Member (A)</p>
10.11.95		<p>Time being over, adjourned to 17.11.19.</p> <p><i>[Signature]</i></p> <p>(K.Ramamoorthy) Member (A)</p>
		<p><i>[Signature]</i></p> <p>(N.B.Patel) Vice Chair</p> <p>aab</p>

Office Report

ORDER (13)

17-11-95

Mr. Xavier and Mr. Vin are not present.

Adjourned to 8-12-95.

(K. Ramamoorthy)
Member (A)(N. B. Patel)
Vice Chairman

ssh

8-12-95

Adjourned to 22-12-95, at the request
of Mr. K. K. Shah.(K. Ramamoorthy)
Member (A)(N. B. Patel)
Vice Chairman

22-12-95

Leave note filed by Mr. Xavier. Adjourned
to 21-3-96.(K. Ramamoorthy)
Member (A)(N. B. Patel)
Vice Chairman21/3/96
For want of time the matter is adjourned
to 12.12.1996(K. RAMAMOORTHY)
MEMBER (A)(N. B. Patel)
Vice Chairman

Date	Office Report	ORDER
12.4.96		<p>Adjourned to 14.6.96 at the request of Mr.K.K.Shah, who is sick.</p> <p><i>Arv</i> (V.Radhakrishnan) Member (A)</p> <p><i>NB</i> (N.B.Patel) Vice Chairman</p> <p><i>CKR</i> (CK Ramamoorthy) Member (A)</p> <p>16.7.96</p>

D	Office Report	ORDER
16-7-96		Being a Division Bench matter, adjourned to 24-9-96.  (V. Radhakrishnan) Member (A)
24.9.96		Being a Division Bench matter, adjourned to 19.11.1996.  (V. Radhakrishnan) Member (A)
19/11/96		vtc. BEING A DIVISION BENCH MATTER ADJOURNED TO 7-1-97.  R. RAMAMIRTHY MEMBER (A)
7-1-97		Being a Division Bench matter, adjourned to 6-2-97.  (V. RAMAKRISHNAN) Vice Chairman
		ssh*

Date	Office Report	ORDER
6.2.97		<p>Time being over, adjourned to 5.3.97.</p> <p><i>vin</i> <i>VR</i></p> <p>(T.N. Bhat) Member (J)</p> <p>(V.Radhakrishnan) Member (A)</p> <p>vtc.</p>
5.3.97		<p>Being a Division Bench matter, adjourned to 9.4.97.</p> <p><i>VR</i></p> <p>(V.Radhakrishnan) Member (A)</p>
9.4.97.		<p>ssh*</p> <p>Mr.M.M. Xavier is present for the applicant.</p> <p>At the request of Mr.R.M.Vin, adjourned to 25.6.1997.</p> <p><i>vin</i> <i>VR</i></p> <p>(T.N. Bhat) Member (J)</p> <p>(V.Ramakrishnan) Vice Chairman</p> <p>ait.</p>
25.6.97		<p>Seen leave note filed by Mr.Xavier. Place before the Division Bench on 23.7.97.</p> <p><i>VR</i></p> <p>(V.Ramakrishnan) Vice Chairman</p> <p>ssh*</p>

Office Report

ORDER

23.7.97

Seen sick note filed by Mr.Xavier. Adjourned to 10.9.97.

(V.Ramakrishnan)
Vice Chairman

ssh*

10.9.97

Place before the Division Bench on 15.10.97

(V.Ramakrishnan)
Vice Chairman

SNS*

15.10.97

Time being over, adjourned to 21.11.97.

Myur
(T.N. Bhat)
Member (J)

(V. Ramakrishnan)
Vice Chairman

hki

21.11.97

As per the chit by
C.C.I. this file
sent to the Court
I on 1-12-97.
Myur 1/12/97

Mr. Xavier not present. Adjourned to
15.12.97.

Myur
(T.N. BHAT)
Member (J)

(V. RAMAKRISHNAN)
Vice Chairman

hki

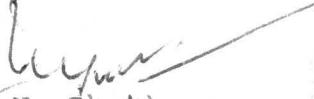
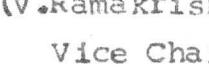
15.12.97.

Seen sick note of Mr.M.M.Xavier up to 16.12.97.
Adjourned to 18.12.1997.

Myur
(T.N. Bhat)
Member (J)

(V. Ramakrishnan)
Vice Chairman

ait.

Date	Office Report	ORDER
18.12.97		Adjourned to 12.1.1998.
		  (T.N. Bhat) Member (J)
		 (V. Ramakrishnan) Vice Chairman
		vtc.
12.01.98	Order of the day	Part-heard matter.
		Seen resolution of the Bar Association to the effect that the Members of the Bar are abstained from work today.
		Adjourned to 11.02.98.
		  (T.N. Bhat) Member (J)
		 (V. Ramakrishnan) Vice Chairman
		hki
		Mr. Vin has filed leave note. Mr. Xavier
		not present. Released from part-heard list.
		Adjourned to 4.3.98.
		  (T.N. Bhat) Member (J)
		 (V. Ramakrishnan) Vice Chairman
		SSN

Date

Office Report

ORDER

(19)

21.11.97

Mr. K.K. Shah has filed leave note.

Adjourned to 15.12.97.

h
h
h
(T.N. BHAT)
Member (J)h
h
(V. RAMAKRISHNAN)
Vice Chairman

15.12.1997.

hki

Seen leave note of Mr. K.K. Shah till 17.12.97.

Adjourned to 18.12.1997.

h
h
h
(T.N. Bhat)
Member (J)h
h
(V. Ramakrishnan)
Vice Chairman

ait.

18.12.97

Mr. K.K. Shah files reply to M.A.860
and serves a copy on Mr. Pathak.

Adjourned to 12.1.1998.

h
h
h
(T.N. Bhat)
Member (J)h
h
(V. Ramakrishnan)
Vice Chairman

vtc.

Part-heard matter.

Seen resolution of the Bar Association

the effect that the Members of the Bar
from work today.

Adjourned to 11.02.98.

h
h
h
(T.N. Bhat)
Member (J)h
h
(V. Ramakrishnan)
Vice Chairman

hki

Date	Office Report	ORDER
11.2.98	Mr. K.K. Shah has filed a sick note. Mr. R.M. Vin is present. Mr. Xavier not present. Released from part-heard. Adjourned to 4.3.98.	Mr. Shah present. Mr. Xavier not present. Released from part-heard. Adjourned to 4.3.98.
	(T.N.Bhat) Member (J)	(V.Ramakrishnan) Vice Chairman
4.03.98	Mr. K.K. Shah has filed a sick note. Mr. Vin not present. Adjourned to 01.04.98. Mr. Xavier has filed a leave note today.	Mr. K.K. Shah has filed a sick note. Mr. Vin not present. Adjourned to 01.04.98. Mr. Xavier has filed a leave note today.
	(P.C.Kannan) Member (J)	(V.Ramakrishnan) Vice Chairman
13.5	Mr. K.K. Shah is sick. Mr. R.M. Vin has files leave note. Adjourned to 1.7.1998.	Mr. K.K. Shah is sick. Mr. R.M. Vin has files leave note. Adjourned to 1.7.1998.
	(P.C.Kannan) Member (J)	(V.Ramakrishnan) Vice Chairman

Office Report

1.7.98

1. We have heard Mr. Pathak on M.A.860/97. The applicants are; (1) A.S.Thakkar and (2) All India General Caste Employees Association. We inquired of Mr. Pathak as to whether Mr. A.S. Thakkar will be affected if the impugned order reverting Shri Chauhan the applicant in the O.A., is quashed. According to him, Mr. Thakkar is next in line for promotion. Mr. K.K. Shah however disputes this contention and says that Shri Thakkar was not selected in the concerned year. We also note from the reply filed by the applicant to the M.A that the Miscellaneous applicant cannot agitate at this stage his failure to get into the panel in 1987.

2. Mr. Vin has taken leave. We would like to hear him and also Mr. K.K. Shah on the question of Mr. A.S. Thakkar particularly on the ^{Ans. Thakkar} question whether he would have been promoted to that level. Adjourned to 15.7.1998.

R/Submitted

It is informed by
Ms. Rozy that copy
of order has already
been collected by the
respective counsels.

S2
313/98

A copy of this order may be given to each
of the counsel.

P.C.

(P.C. Kannan)
Member (J)(V. Ramakrishnan)
Vice Chairman

vtc.

98

The prayer of the applicant is that he should not be reverted from the scale of Rs.1400-2300 but should be allowed to continue in that scale. In essence he had prayed that he should be ~~re~~ given regular promotion and should be empanelled in the panel as on 1.9.87 as at Annexure A-3.

We are informed that the applicant was later on given regular promotion to the scale of Rs.1400-2300 but subsequently again he was reverted by the Railway Administration which reversion has been challenged in OA/99 of 94.

Prima facie the relief sought for in this O.A. to give regular promotion had been extended by the Railway itself even though later on they issued further orders of reversion. **Prima facie** this O.A. would ~~not~~ survive. Mr. Xavier prays for time to make submissions. This may be listed on 17.7.98.

PN
(P.C.Kannan)
Member (J)

PM
(V.Ramakrishnan)
Vice Chairman

pmr

Call on 27.7.1998.

Revised on 27.7.1998.

M

(P.C.Kannan)
Member (J)

M
(V.Ramakrishnan)
Vice Chairman

pmr

17.7.98

DATE

OFFICE REPORT.

O R D E R

(23)

17.09.98

Time being over, adjourned to 24.09.98.

LJ
(Laxman Jha)
Member (J)*M*
(V. Ramakrishnan)
Vice Chairman

mb

24.09.98

Mr. Vin has filed a leave note
today. Adjourned to 13.10.98.*PN*
(P.C. Kannan)
Member (J)*M*
(V. Ramakrishnan)
Vice Chairman

hki

13.10.98

None for the parties. Adjourned
to 06.11.98.*PN*
(P.C. Kannan)
Member (J)*M*
(V. Ramakrishnan)
Vice Chairman

hki

06.11.98

Adjourned to 19.11.98.

PN
(P.C. Kannan)
Member (J)*M*
(V. R.
Vice Chairman)

hki

19.11.98.

Adjourned to 20.11.98.

PN
(P.C. Kannan)
Member (J)*M*
(V. Ramakris.
Vice Chair)

hki

DATE

OFFICE REPORT.

ORDER

27.07.98

(V. Ramakrishnan)
Vice ChairmanAdjourned to 12.08.98 *as an identical*
identical matter is adjourned to the
*same date.**DR*
(P.C. Kannan)
Member (J)*VR*
(V. Ramakrishnan)
Vice Chairman

12.08.98

This is a Division Bench matter.
Adjourned to 19.08.98.*DR*
(P.C. Kannan)
Member (J)

19.8.98

hki
Adjourned to 27.8.98. Link it
with O.A. 99/94.*LJ*
(Laxman Jha)
Member (J)*VR*
(V. Ramakrishnan)
Vice Chairman

09.09.98

vtc.
Adjourned to 09.09.98. *DR*
(P.C. Kannan)
Member (J) *VR*
(V. Ramakrishnan)
Vice Chairman

hki

Adjourned to 17.09.98. Link
it with O.A./99/94. *DR*(P.C. Kannan)
Member (J)*VR*
(V. Ramakrishnan)
Vice Chairman

mb

25
O.A./226/91

DATE

OFFICE REPORT

ORDER

20.11.98

In O.A.99/94 p.wel & libel

Mr. Pathak submits that as Mr. Shah is not present now, a short adjournment may be given. Adjourned to 02.12.98.

Dn

(P.C. Kannan)
Member (J)

MR

(V. Ramakrishnan)
Vice Chairman

hki

02.12.98

Mr. Vin for Mr. Xavier prays for an adjournment.

Adjourned to 04.01.99.

Dn

(P.C. Kannan)
Member (J)

MR

(V. Ramakrishnan)
Vice Chairman

mb

DA 226/1938

(1)

Even w/ before to color scheme
per w/ go a mid tan about on
per w/

(2)

pt - 27.9.83 blu on & tan
If to tan bear tan w/ w/ -
be w/ tan w/ 1.9.83

DATE	OFFICE REPORT	ORDER
4.1.99		<p><u>M.A. St.697/98</u> : Registry's objection is that documents other than those specified in the M.A. have been found in the M.A. Mr. K.K.Shah has clarified that what he seeks to produce is copy of letter dated 13.7.98 and copy of representation dated 11.9.98. He further states that this representation dated 11.9.98 has as its enclosures a number of communications dated 2.9.97, 4.5.98, 11.8.97, 3.6.92, 23.2.93, 24.7.94, 27.1.94, 11.6.98 and also the additional reply of the of the two tribunals (the C.I.T.D.P.C.) Railways dated 14.3.98. He has given an index bringing out this position. In view of this Registry to give a regular number to M.A.St.697/98</p> <p>Heard Mr. Shah, Mr. Vin and Mr. Pathak. M.A. is allowed and the enclosed documents are taken on record.</p> <p>Heard the main O.A for some time. Treat it as part heard.</p> <p>Adjourned to 1.2.1999.</p> <p style="text-align: center;"><u>PN</u> <u>VR</u></p> <p>(P.C. Kannan) Member (J)</p> <p>(V.Ramakrishna) Vice Chairman</p> <p>vtc.</p>

DATE	OFFICE REPORT	ORDER
1.2.99		<p>This was adjourned to the afternoon on the ground that intimation was sent on behalf of Mr. K.K. Shah that he is out of station and that he would be present before the Tribunal in the afternoon. Mr. K.K. Shah is not present now at 3.30 P.M.</p> <p>Mr. Pathak for the private respondents submits that the interim order directing maintainence of status quo and continuing the applicant in the higher scale of 1400-2300 is adversely affecting the interest of senior employees who look forward to such promotion. He prays that the interim order which has been continued for long may be limited upto a certain period. We would like to hear Mr.K.K. Shah on this point. Mr. Vin present. Adjourned to 5.2.1999.</p> <p style="text-align: center;"><i>PK</i></p> <p style="text-align: right;">(V)</p> <p>(P.C. Kannan) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>vtc.</p>

05.02.99

Adjourned to 18.02.99.

PK

(P.C. Kannan)
Member (J)

(V)

(V. Ramakrishnan)
Vice Chairman

mb

18.02.99

It is a part-heard matter. Concerned Bench is not functioning today. Adjourned to 03.03.99.

mb

V

(V. Ramakrishnan)
Vice Chairman

DATE	OFFICE REPORT	ORDER
03.03.99		<p>We have heard Mr. K.K. Shah, Mr. R.M. Vin and Mr. Pathak on M.A/117/99 and M.A/118/99.</p> <p>2. As regards M.A/118/99, Mr. K.K. Shah refers to his earlier M.A/11/99 where he has produced certain documents which have been taken on record. In particular, he refers to the Railway Board Circular of 21.08.97 which was furnished by the D.R.M., Bhavnagar by letter dated 13.07.98 where inter alia it is mentioned in para-2 that persons belonging to reserved category who are appointed on the basis of merit and not on account of reservations are not to be counted towards the quota meant for reservation.</p> <p>He further submits that the Railway's stand is not entirely consistent as on occasions they had stated that the quota meant for Scheduled Caste had already been filled-up and that there is an excess but no where they have brought out that all persons belonging to Scheduled Caste who are promoted to the higher grade were given such promotions against reserved quota and not on the basis of merit. He further says that the seniority list produced by the Railways along with their additional reply dated 14.07.98 shows that there were 52 posts at the level of HTTE/HTC whereas the number of persons in position as on that date namely in March'97 was 45 of whom the SCs were only three. He also states that Shri Solanki and Shri B.V. Mer who are immediate juniors to the applicant have been given regular promotion to</p>

DATE	OFFICE REPORT	ORDER
		<p>the grade of 1400-2300 later whereas the applicant has been denied for such promotion.</p> <p>3. As regards M.A/117/99, he contends that the applicant has submitted a further representation on dated 11.09.98 addressed to the General Manager which was not forwarded by the A.P.O Shri S. Pandya and according to him, this would show bias on the part of the concerned person.</p> <p>4. Mr. K.K. Shah also refers to the orders of the Tribunal dated 06.05.94 where there was a mention that Mr. Vin for Railways does not contest the preposition that the applicant was selected for promotion to the said post on the basis of merit and not against the post reserved for SC/ST candidates.</p> <p>5. Mr. Vin for the Railway Administration brings out that the case of the applicant all along is that he is entitled to be promoted against the SC quota and not that he had been selected on merit. In fact, he had appeared in the written test and had failed and was sent for training. According to Mr. Vin, the main contention in the O.A is whether there was any excess in the reservation quota for SCs and if there was such excess, the applicant cannot be promoted against reservation point. Mr. Vin is not able to throw light as to how the statement was recorded by the Tribunal on 06.05.94 but says that it is obviously a mistake.</p> <p>6. To a query as to whether the candidates belonging to SC in the grade of 1400-2300 were in fact promoted against the SC quota or whether <i>some 74</i></p>

DATE OFFICE REPORT

they were promoted on merit, Mr. Vin seeks time to get instructions.

7. He also prays for time to submit his reply to the M.A/117/99 and M.A/118/99.

8. Mr. Pathak for the respondent no.4 contends that the present M.As are not at all maintainable. According to him, they have been filed only to prolong the proceedings as the applicant wants to get the benefits of interim directions operating in his favor. Mr. Pathak says that there are sufficient materials available in the file itself on which the relevant issue can be decided. He refers in particular to the seniority list circulated by letter dated 08.02.91 which shows the seniority position in cadre of SC/STs in the scale of 1400-2300 as on Feb'91. He says that it clearly shows that there were sufficient number of SC candidates who were in position in the grade which is not less than the ~~grossly earmarked~~ grade earning merit for them. Mr. Pathak contends that this seniority list has never been challenged by the applicant.

Mr. Shah disputes this position and says that the applicant had challenged the seniority ~~list~~.....

Mr. Pathak says that there is no need to call for further documents.

9. Mr. Pathak also states that when the matter has been listed as part-heard and has been heard on a number of occasions, M.A/117/99 which seeks to amend the O.A at this stage and ^{which} makes allegations against the A.P.O solely because he has

DATE	OFFICE REPORT	ORDER
		<p>not forwarded certain representation dated 11.09.91 which was filed much after the present O.A has been filed cannot be entertained at all and deserves to be summarily rejected.</p> <p>Mr. Pathak says that for these reasons the M.A cannot be entertained and should be rejected.</p> <p>10. We have considered the submissions of all counsel.</p> <p>We take note of Mr. Vin's statement that he would seek instructions on certain specific points which would be relevant for determining, whether there were excess in the quota meant for SCs at the relevant time and also his prayer for submitting a reply to both the M.As.</p> <p>We direct the Railway Administration to file reply to the M.As most expeditiously and in any case not later than 01.04.99. Mr. Pathak says that in view of the facts of the O.A, no further time should be granted and the Railway Administration should file a reply to the M.As well in advance with a copy to Mr. K.K. Shah so that the matter can be heard on the next date.</p> <p>Call on 01.04.99.</p> <p>11. A copy of this order may be given to all counsel.</p> <p><i>Dr</i> <i>V. Ramakrishnan</i></p> <p>(P.C. Kannan) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>mb</p>

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DATE	OFFICE REPORT	ORDER
1.4.99		<p>Link it alongwith OA 99/94. Adjourned to 15.4.99.</p> <p><i>Dr</i></p> <p>(P.C. Kannan) Member (J)</p> <p><i>M</i></p> <p>(V.Ramakrishnan) Vice Chairman</p> <p>nsh</p>
15.04.99		<p>Adjourned to 12.05.99.</p> <p><i>Dr</i></p> <p>(P.C. Kannan) Member (J)</p> <p><i>M</i></p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>mb</p>

DATE	OFFICE REPORT	ORDER
13.08.99		<p>Heard for some more time. The relevant record and two registers of tailways are kept in the custody of Court Officer.</p> <p>Adjourned to 08.09.99.</p> <p><i>A</i> (P.C. Kannan) Member (J)</p> <p><i>M</i> (V. Ramakrishnan) Vice Chairman</p> <p>mb</p> <p>Heard the counsel for the applicant and the counsel for the respondent. Judgment reserved.</p> <p><i>DR</i> (P. C. Kannan) Member (J)</p> <p><i>M</i> (V. Ramakrishnan) Vice Chairman</p>
14.08.99		
15.08.99		

ORDER

DATE	OFFICE REPORT	ORDER
12.5.99		<p>Mr. Vin says that he has not got a copy of the order dt. 5.4.99. We find that the order is placed in 'B' file and not in the 'A' file. This has been shown to Mr. Vin to note down the relevant documents to be produced. Mr. Pathak present. Adjourned to 16.6.99.</p> <p><i>Drn</i></p> <p>(P.C. Kannan) Member (J)</p>
		<p><i>W</i></p> <p>(V. Ramakrishnan) Vice Chairman</p>
16.6.99		<p>See orders in O.A. 99/94.</p> <p>Adjourned to 1.7.99.</p> <p><i>W</i></p> <p>(V. Ramakrishnan) Vice Chairman</p>
		<p>vtc.</p>
01.07.99		<p>Mr. Vin says that he will show the relevant files to Mr. K.K. Shah who may note the information contained therin. The respondents shall bring the relevant file on the next date also.</p> <p>Adjourned to 11.08.99. Mr. Pathak is stated to be busy in the 2nd court.</p> <p><i>Drn</i></p> <p>(P.C. Kannan) Member (J)</p>
		<p><i>W</i></p> <p>(V. Ramakrishnan) Vice Chairman</p>
11.08.99		<p>Adjourned to 13.08.99.</p> <p><i>Drn</i></p> <p>(P.C. Kannan) Member (J)</p>
		<p><i>W</i></p> <p>(V. Ramakrishnan) Vice Chairman</p>
		<p>mb</p>

DATE	OFFICE REPORT	ORDER
13.08.99		<p>Heard for some more time. The relevant records and two registers of railways are kept in the custody of Court Officer.</p> <p>Adjourned to 08.09.99.</p> <p>(P.C. Kannan) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>mb</p> <p>Heard the counsel for the applicant and the counsel for the respondent. Judgment reserved.</p> <p>(P. C. Kannan) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p>
8/9/99		

DATE	OFFICE REPORT	ORDER
12.5.99		<p>Mr. Vin says that he has not got a copy of the order dt. 5.4.99. We find that the order is placed in 'B' file and not in the 'A' file. This has been shown to Mr. Vin to note down the relevant documents to be produced. Mr. Pathak present. Adjourned to 16.6.99.</p> <p>(P.C. Kannan) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>nsh</p>
16.6.99		<p>see orders in O.A. 99/94.</p> <p>Adjourned to 1.7.99.</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>vtc.</p>
01.07.99		<p>Mr. Vin says that he will show the relevant files to Mr. K.K. Shah who may note the information contained therin. The respondents shall bring the relevant file on the next date also.</p> <p>Adjourned to 11.08.99. Mr. Pathak is stated to be busy in the 2nd court.</p> <p>(P.C. Kannan) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>mlb</p>
11.08.99		<p>Adjourned to 13.08.99.</p> <p>(P.C. Kannan) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>mlb</p>

NOTE

The cause title in the Judgment O.A 226 of 1991 and O.A 99 of 1994 has not been properly reflected. The same should be corrected as follows :-

O.A 226 OF 1991

Vinodbhai Khodabhai Chauhan,
Head Ticket Collector,
Bhavnagar Terminus
39, Vankar Society,
Nari Road, Kumbharwada,
Bhavnagar 364 006.

-- Applicant --

(Advocate : Mr. M.M. Xavier)

V/s.

1. The Union of India owing and Representing W. Rly., through Its General Manager, W.Rly., Church gate, Mumbai - 400 021.
2. The Divisional Railway Manager, W.Rly., Bhavnagar Division, Bhavnagar Para.

-- Respondents --

(Advocate : Mr. R.M. Vin)

O.A 99 OF 1991

Shri. Vinod Khodabhai Chauhan
Head Ticket Collector,
Bhavnagar Terminus
39, Vankar Society,
Nari Road, Kumbharwada,
Bhavnagar 364 006.

-- Applicant --

(Advocate : Mr. K.K. Shah)

V/s.

1. Union of India
Notice to be served through
The General Manager, W.Rly.,
Headquarter office, Church gate,
Mumbai.
2. Divisional Railway Manager,
Divisional Office, W.Rly.,
Bhavnagar Para, Bhavnagar.
3. The Divisional Comm. Manager (E),
Divisional Office, W.Rly.,
Bhavnagar Para, Bhavnagar.
4. A.S. Thakker
H.T.T.E, B.V.M., Mumbai.

-- Respondents -

(Advocate : Mr. R.M. Vin & Mr. P.H. Pathak for R-4)

D.R (J) may issue necessary corrigendum accordingly.

Dr
(P.C. Kannan)
Member (J)

Dr
(V. Ramakrishnan)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(33)

O.A.NO. 226 of 91 & O.A/99 of 94
T.A.NO. With
M.A 397 of 1993

DATE OF DECISION 30/9/99

Mr. Vinod K. Chauhan **Petitioner**

Mr. M.M. Xavier & Mr. K.K. Shah **Advocate for the Petitioner(s)**
Versus

Union of India & Ors. **Respondent**

Mr. R.M. Vin & Mr. P.H. Pathak for **Advocate for the Respondent(s)**
Respondent no. 4)

CORAM

The Hon'ble Mr. V. Ramakrishnan : Vice Chairman

The Hon'ble Mr. P.C. Kannan : Member (J)

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 Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

[Signature]

Vinodbhai Khodabhai Chauhan,
Head Ticket Collector,
Bhavnagar Terminus
39, Vankar Society, Nari Road,
Kumbharwada,
Bhavnagar : 364 006.

-- Applicant --

(Advocate : Mr. M.M. Xavier & Mr. K.K. Shah) *PK*

VERSUS

1. The Union of India owning
And representing W.Rly.,
Through Its General Manager,
W.Rly., Churchgate,
Mumbai : 400 021.

2. The Divisional Railway Manager,
W. Rly., Bhavnagar Division,
Bhavnagar Para. *DR*

-- Respondents --

(Advocate : Mr. R.M. Vin) JUDGMENT

& O.A 226 OF 91 & O.A 99 OF 94
(Mr. P.H. Pathak for R-4) *PK* With
M.A 397 of 1993

Date : 30/9/99

Per Hon'ble Shri. P.C. Kannan : Member (J).

The applicant has filed both these O.As challenging the action of the respondents in not promoting him on a regular basis to the post of H.T.T.E. / H.T.C. in the grade of 1400-2300. While in the O.A 226 of 91, the applicant seeks a declaration that he is entitled to all the privileges extended to similarly situated candidates of reserved community and to direct that his name should be interpolated in the panel of H.T.T.E / H.T.C. dated 01.09.87 (Annexure A-3 to the O.A), and for

the consequential benefits. The applicant in O.A No. 99 of 1994 has challenged the order dated 31.01.94 of the respondents (Annexure A) whereby the promotion of the applicant to the post of H.T.T.E / H.T.C. in the grade of 1400-2300 was cancelled and the applicant was reverted to the post of T.T.E in the scale of 1200-2040. As both the O.A contain same facts, we have proposed to dispose of both the O.As by a common order.

2. The applicant has stated as follows :-

The applicant being a member of the scheduled caste community, was earlier promoted as Train Ticket Examiner (T.T.E.) in the scale of 1200-2040 and became eligible for the selection of Head Train Ticket Examiner (H.T.T.E) (Annexure A-I). At the time of selection, it was stated that there were six vacancies reserved for SC including the past deficiency. The applicant was called for oral test along with two other candidates belonging to the reserved community. The applicant states that while two other candidates belonging to the reserved community were sent for the training and promoted on officiating adhoc basis in the scale of 1400-2300, the applicant was not sent for training. However, after raising the issue with the recognised Union, the applicant was sent for training in accordance with the rules and was promoted on officiating adhoc basis in the scale of Rs.1400-2300. The applicant, after working in the higher post of H.T.T.E (Rs.1400-2300) for about 20 months, was reverted to the post of T.T.E (1200-2040) on the alleged ground of excess quota of reservation and the applicant preferred O.A No. 226 of 1991 before this Tribunal. The General Manager, W.Rly. however, reviewed the decision and by

letter dated 03.06.92 (Annexure A-3) observed that at the time of the selection in 1987, there were no order of this Tribunal in restricting the percentage of S.C. quota at 15 % and as such the name of the applicant can be placed in the panel notified on 01.09.87, but at the time of his promotion, the applicant cannot be promoted in terms of C.A.T's interim order as there was excess quota. The applicant submits that in the selection held on 11.09.87, a panel was declared and two out of six SC candidates were placed on panel and were regularised and four reserved vacancies were kept vacant. One more SC candidate was allowed to work on ad-hoc basis (Anneuxre A-4).

3. The applicant further submits that D.R.M., Bhavnagar para issued order dated 23.02.93 (Annexure A-6) in terms of which the applicant was placed on the panel notified on 01.09.87 (Anneuxure A-6). Despite the aforesaid decision of D.R.M., the applicant was not promoted till 27.01.94 while others have been given the benefit of the same from 11.09.87. However, the applicant was promoted on 27.01.94 as H.T.T.E in the scale of 1400-2300 and was posted at Dhola Junction and the applicant joined the said post (Annexure A-7). However, the respondents by the issue of impugned order dated 31.01.94 cancelled the promotion order and reverted the applicant to the post of T.T.E in the scale of 1200-2040 (Annexure A). The applicant filed O.A 99 of 94 before this Tribunal and challenged the impugned order of the respondents. This Tribunal granted stay of the impugned order and allowed the applicant to continue as H.T.T.E till the disposal of the O.A. The applicant has challenged the action of the respondents mainly on the following grounds :-



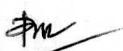
(i) The order of reversion dated 27.01.94 is against the order of the General Manager dated 03.06.92 and without canceling the same, the applicant cannot be reverted;

(ii) In the year 1986, the respondents notified six SC vacancies and when only two SC candidates were empanelled and subsequently the applicant was considered and empanelled, there cannot be any excess as now claimed;

(iii) The respondents did not disclose any year-wise vacancy of SC and in the circumstances, there is no excess quota.

(iv) The applicant ought to have been considered and promoted in the subsequent years.

4. The respondents in their reply submitted that the applicant was appointed on 19.07.1985 as Ticket Collector and at the time of issue of notification dated 25.09.86, the applicant was holding the post of Ticket Collector in the grade of 950-1500. S/Shri. B.V. Mer (ST) and B.D. Solanki (SC) who were seniors to the applicant were working in the scale of Rs.1400-2300 (RP) on adhoc basis. As there were six posts reserved for SCs and two posts for STs, the name of the applicant was also included in the eligibility list and called for selection. The applicant appeared in the selection but failed. The respondents stated that the applicant was however, promoted on trial basis after giving training for six months as H.T.T.E in the scale of 1400-2300 on 11.12.89 (Annexure A-8 to O.A 99 of 1994). The respondents subsequently, on a review found that on that date, there was an interim order of this Tribunal directing the respondents not to exceed the reservation quota. (A copy of the interim order dated 28.04.89 in the M.A 177 OF 88 IN O.A 241 OF 87 has been filed as Annexure R-I in O.A 226 OF 1991). The General Manager, Western Railway, after a review of



the matter pointed out that in the light of the interim order of the Central Administrative Tribunal, the matter has been examined and it is found that in the cadre of 62 posts in the cadre, 9 SC candidates were already working on regular basis. The applicant also did not complete two years of service in the immediate lower grade (i.e in the grade of T.T.E). The applicant is therefore not eligible to be called for selection in 1986 in terms of paras 216 and 319 of the IREM and the instructions issued by the Railway Board. In the facts and circumstances, the applicant was reverted from the post of H.T.T.E in the scale of 1400-2300 to the post of T.T.E in the scale of 1200-2040. Subsequently, the matter was taken up through the Union and as per the order of the General Manager dated 23.02.93 (Annexure A-6), the name of the applicant was again interpolated in the panel of 1987 at serial no. 17. The General Manager, however, observed that at the time of processing the selection in 1987, there was no interim order restricting the percentage of promotion of SC candidates to 15% and therefore, his name could be interpolated in the said panel notified on 01.09.87. It was also observed that at the time of his promotion on 27.09.89, the order of the CAT in the aforesaid case became operative and therefore he could not be promoted. In the light of the aforesaid order, the D.R.M. Bhavnagar, vide letter dated 27.01.94 (Annexure A-7) promoted the applicant as H.T.T.E. in the scale of 1400-2300 from 1987. However, on re-consideration, the applicant's promotion was cancelled by the D.R.M. by order dated 31.01.94 (Annexure A). The respondents submitted that in the light of the above, the action of the respondents is in accordance with the rules and the reversion of the applicant is justified.

Am

5. We have heard Shri. K.K. Shah, counsel for the applicant, Shri. R.M. Vin, counsel for the official respondents and Shri. P.H. Pathak, counsel for the private respondents. At our direction, the official respondents produced the relevant records for our perusal.

6. Shri. K.K. Shah, counsel for the applicant submitted that in terms of the letter dated 25.09.86 announcing the Selection Board and the eligibility list, the respondents announced 24 vacancies including six reserved for SCs and two for STs (which includes past deficiency). In the light of the above admission, the respondents cannot be allowed to retract from their statement without a detailed statement showing the names of SCs who were earlier included under the reserved quota, and how the lapse had occurred. He also submitted that similarly situated other SC and ST candidates e.g. S/Shri. B.V. Mer and B.D. Solanki who were holding the post of Ticket Collector in a substantive capacity were promoted to the post of H.T.T.E under the 1987 panel. In the selection, for filling six SC and two ST posts, only four SC and one ST were found to be eligible and this shows that there were deficiencies of SC and ST candidates. He also submitted that S/ Shri. Mer and Solanki who also failed in the selection were given in-service training for six months as per the rules and were regularly promoted as H.T.T.E. However, in the case of the applicant, he was not given in-service training and he was discriminated. However, on his representation, the respondent no.2 issued order dated 11.12.89 (Annexure A-8) and held that the applicant has subsequently been promoted to the scale of 1200-2040 and was entitled to privilege granted to Shri. Solanki and Mer. The applicant was sent for training and promoted as H.T.T.E. In the circumstances,



he submitted that the applicant is entitled to be continued as H.T.T.E and that he is also entitled to the interpolation of his name in the panel dated 01.09.87. He also submitted that the subsequent reversion order was challenged in O.A 226 of 1991. After filing of the said O.A, the applicant's name was again considered by the respondents and he was promoted on 27.01.94 on the basis of panel of 01.09.87. While others have been given the benefit of the promotion from 11.09.87, the applicant was not given such benefit from 11.09.87. Within four days from the date of his promotion, on 31.01.94, the respondents again reverted the applicant (Anneuxre A to O.A No. 99 of 94). The applicant therefore subsequently filed the O.A 99 of 1994 and challenged the order of reversion. Shri. K.K. Shah submitted that there was no justification for reversion of the applicant just after four days and the action of the respondents without canceling the order of the General Manager dated 03.06.92 is illegal and arbitrary. He also submits that there were still three more SC vacancies available and therefore, there is no ground for reverting the applicant at this stage after giving him regular promotion from 1987. He also submitted that in the subsequent selection held in the years 1991, 1993 etc., the SC candidates who were juniors to the applicant were considered and promoted but not the applicant. The applicant is still shown in the records of the respondents as T.T.E even though the applicant is still continuing as H.T.T.E on the basis of the interim orders of this Tribunal. In this connection, he referred to the seniority list filed by the respondents (Anneuxre R-2) and submits that selections were conducted subsequent to 1987 in the year 1991, 93 etc., However, the applicant has not been considered at all by the respondents. In this connection, he referred to the names of

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(I) H.S. Shrimali (ii) K.T. Solanki (iii) B.K. Solanki (iv) K.T. Chudasama (V) B.N. Namsha (VI) S.R. Jogadia (VII) P.K. Solanki etc., who belongs to SC community and were regularly promoted as H.T.T.E after 1991.

7. Shri. Vin, counsel for the respondents referred to the Roaster Register and submitted that in the cadre of H.T.C./ H.T.T.E in the scale of 1400-2300 there are 62 posts and at the relevant point of time i.e. in 1987, only Nine SC candidates are admissible as per the ^{15%} percent basis. On that date, there were already nine SC candidates working on regular basis. In the facts and circumstances, at the time of issuing the order dated 25.09.86 (Annexure A-I), the reference to six reserved posts for SC was factually incorrect. The applicant was erroneously promoted in 1989 as on that date, the interim orders of the Tribunal restricting the promotion of SC / ST in excess of 15 % was operative. He also submits that the applicant who joined as Ticket Collector in 1985, was not even promoted to the post of T.T.E in the scale of 1200-2040 at the time of issuing of the eligibility list in 1996. In terms of the Railway Board's order and the (para-216 and 319 of IREM) a person to be eligible for promotion within group-C, shall have two years of experience in the immediate lower grade irrespective of whether the employee belong to reserved community or not (Annexure R). As the applicant did not fulfil the above eligibility condition, he can not be promoted in 1987 as he was not even promoted in the grade of 1200-2040. The applicant also failed in the written test and therefore, could not be considered against vacancies for General candidates. As the reserved quota on the date of the selection exceeded nine persons, the applicant could not be considered for appointment against the reserved vacancies. In the facts and circumstances, he

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submitted that the applicant is not eligible for promotion. So far as the contention of the applicant that he was not considered in the subsequent selection to the post of H.T.T.E in the grade of 1400-2300, he submits that because of the pending litigation, he was not considered. However, he submitted that one post was kept vacant in the said grade.

8. We have carefully considered the submissions of both the counsel and examined the pleadings. The name of the applicant was included in the eligibility list circulated by the respondents vide letter dated 25.09.86. In terms of the rules and instructions of the Railway Board, the applicant was not even promoted as T.T.E in the scale of 1200-2040, it could not be said that he was eligible to be considered for promotion to the scale of 1400-2300 on the date of publication of the eligibility list on 25.09.86. The respondents in their letter dated 25.09.86, stated that there were six posts exclusively reserved for SC candidates. However, verification of the list shows that this statement was factually incorrect. The letter dated 08.02.91 circulating the seniority list indicate that out of 53 posts in the cadre of H.T.T.E, and nine posts in cadre of H.T.C., there were already six SC candidates namely :- (i) L.N. Nagar (ii) N.M. Bochiya (iii) G.P. Vadher (iv) A.J. Tirgar (v) M.N. Chauhan & (vi) D.V. Solanki., belonging to SC. In the circumstances, on the date of the circular constituting of the Selection Board it cannot be said that there were six vacancies reserved exclusively for SC community. In the case of S/Shri. B.V. Mer (ST) and B.D. Solanki (SC) they were holding the post of T.T.E in the scale of 1200-2040 and the respondents deputed them for training and subsequently promoted them on regular basis. As the applicant was not eligible to be considered in the panel on 25.09.86, we hold that the



action of the respondents in including the name of the applicant in the eligibility list is not justified. As the applicant was erroneously considered and promoted, the action of the respondents to revert him subsequently is in accordance with the rules and instructions of the Railway Board. The case of S/Shri. Mer and Solanki are not similar to the applicant and the applicant is not entitled to be promoted as H.T.T.E under 1987 panel.

9. We have seen that subsequent to the selection in 1987, selections were held for making promotion to the cadre of H.T.T.E in 1991, 1993 etc., and it is seen that the applicant was not considered at all. The juniors to the applicant Shri. H.S. Shrimali and Ors., have been considered and included in the panel, while the respondents have not even considered the name of the applicant for inclusion in the promotion panel. The respondents were unable to give any valid reason for not considering the applicant while making subsequent selections. Mere pendency of the present O.A cannot be a valid ground for not considering the applicant in the subsequent selections. In the facts and circumstances, we hold that the action of the respondents in not considering the applicant in subsequent selections i.e. in the year of 1991, 1993 etc., is against the rules and instructions of the Railway Board. We therefore, direct the respondents to review the promotions subsequent to 1987 and consider the case of the applicant along with his juniors eligible to be considered and if the applicant is found fit for promotion, he should be promoted in the cadre of H.T.T.E from the date his junior was promoted in accordance with the rules and instructions. This exercise should be completed within three months from the date of

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receipt of a copy of this order. We further direct that till the exercise is completed, the applicant should not be reverted from the post of H.T.T.E in the scale of 1400-2300. Both the O.A are disposed of with the above directions. No costs. In view of the final disposal of the O.As, M.A 397 of 1993 also stands disposed of.

P.C. Kannan
(P.C. Kannan)
Member (J)

V. Ramakrishnan
26/11/93
(V. Ramakrishnan)
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

Date : 26.11.99

C O R R I G E N D U M

The undersigned is directed to advise that cause title of the Judgment in O.A.226/91 & O.A. 99/91 dt. 30.09.99 be read as under :—

O.A. 226 OF 1991

Vinodbhai Khodabhai Chauhan,
Head Ticket Collector,
Bhavnagar Terminus,
39, Vankar Society,
Nari Road, Kumbharwada,
Bhavnagar - 364 006.

—Applicant—

(Advocate : Mr. M.M.Xavier)

V/s.

1. The Union of India owing and Representing W.Rly., through Its General Manager, W.Rly., Churchgate, Mumbai - 400 021.
2. The Divisional Railway Manager, W.Rly., Bhavnagar Division, Bhavnagar Para

—Respondents—

(Advocate : Mr. R.M.Vin)

O.A. 99 OF 1991

Shri Vinod Khodabhai Chauhan,
Head Ticket Collector,
Bhavnagar Terminus,
39, Vankar Society,
Nari Road, Kumbharwada,
Bhavnagar - 364 006.

—Applicant—

(Advocate : Mr. K.K.Shah)

V/s.

1. Union of India
Notice to be served through
The General Manager, W.Rly.,
Headquarter office, Churchgate,
Mumbai.
2. Divisional Railway Manager,
Divisional Office, W.Rly.,
Bhavnagar Para, Bhavnagar.
3. The Divisional Comm. Manager(E),
Divisional Office, W.Rly.,
Bhavnagar Para, Bhavnagar.
4. A.S.Thakker,
H.T.T.E., B.V.M., Mumbai.

—Respondents—

(Advocate : Mr. R.M.Vin & Mr. P.H.Pathak for R-4)

26/11/99

DEPUTY REGISTRAR(J)