

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

R.A. No.47/94 in
O.A. NO. 408/91 with
~~T.A.~~^{N.A.} **NO.** 612/94

DATE OF DECISION 24.3.1995

M.P. Patel and Ors.

Petitioner

Mr. P.H. Pathak

Advocate for the Petitioner (s)

Versus

Union of India and Ors.

Respondent

Mr. Akil Kureshi

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 ?

No

M.P. Patel

V.G. Badarkar

Association of Railway and
Post employees,
through its Treasurer
Shri R.C. Pathak
having its office at
Alap Flats, Opp. Anjali cinema,
Vasna Road, Ahmedabad-7.

.. Applicants

(Advocate : Mr.P.H. Pathak)

Vs.

1. Union of India
Notice to be served through
The Secretary,
Dept. of Telecommunication,
Govt. of India,
Rafi Marg, New Delhi.

2. Chief General Manager,
Telecommunication,
Gujarat Telecom Circle,
Ahmedabad.

3. General Manager Telecom,
Ahmedabad Telecom Dist.
Ramnivas Building,
Khanpur, Ahmedabad.

.. Respondents

(Advocate : Mr. Akil Kureshi)

Date : 24.03.1995

R.A. No.47/94 in

O.A. No.408/91

with


M.A./612/94


Per : Hon'ble Mr. N.B. Patel, Vice Chairman.

Heard the learned advocate Mr. P.H.Pathak
and the learned Additional Standing Counsel,
Mr. Akil Kureshi.

2. We do not propose to pass any order on this
M.A. in view of the order which we are going to
pass in the Review Application.

3. We are clearly of the opinion that there is no question of reviewing our order dated 27.8.93 because that order only permits withdrawal of the OA. It appears that the permission to withdraw the OA was sought in view of the Office Memo dated 23rd August, 1993 which the learned Additional Standing Counsel had produced at the stage of hearing of the OA. Mr. Pathak states that the memo contains provision describing ratio for promotion to the grade III, II and I which, according to the applicants, is illegal. At the time when the OA was filed, the OM dated 23.8.93 was not in existence and, therefore, there was no question of any challenge having been posed to the ratio provision of the OM dated 23.8.93 and hence if the applicants now want to challenge that particular provision of the OM, that would be an entirely different cause of action and the applicants may ^{seek} ~~pursue~~ appropriate remedy challenging the ratio of provision of the OM dt. 23rd August, 1993. With this clarification, we reject the Review Application.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

sr

24/1/95

| Date | Office report | Adjourned to 27/1/95. Order |
|---------|---------------|--|
| | | (K.Ramamoorthy) Member (A) (N.B.Patel) Vice Chairman ss Adjourned to 1.2.1995. |
| 27.1.95 | | (V.Radhakrishnan) Member(A) (N.B. Patel) Vice Chairman vtc. |
| 1.2.95 | | Time being over, adjourned to 3.2.1995. (V.Radhakrishnan) Member(A) (N.B. Patel) Vice Chairman vtc. |
| 3/2/95 | | Notice returnable on 21/2/95. On a copy of R.A. being furnished to Mr.Kureshi, he waives service. (K.Ramamoorthy) Member (A) (N.B.Patel) Vice Chairman |

| Date | Office report | Order |
|---------|---------------|--|
| 21-2-95 | | <p>Adjourned to tomorrow i.e. 22-2-95.</p> <p>(V.Radhakrishnan) Member (A) ssh*</p> <p>(N.B.Patel) Vice Chairman</p> |
| 22-2-95 | | <p>Adjourned to 1-3-95, at the request of Mr.Pathak.</p> |
| 1-3-95 | | <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>Adjourned to 15-3-1995.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> |
| 15-3-95 | | <p>Time being over, adjourned to 23-3-95.</p> <p>(V.Radhakrishnan) Member(A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p> |

| Date | Office Report | ORDER |
|---------|---------------|---|
| 23-3-95 | | <p data-bbox="617 315 1506 421">Adjourned to 24-3-95 at the request of Mr. Pathak.</p> <p data-bbox="603 547 924 616">(V.Radhakrishnan) Member(A)</p> <p data-bbox="1176 547 1429 616">(N.B. Patel) Vice Chairman</p> <p data-bbox="602 694 674 729">etc.</p> |