

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 181/92
T.A.NO.

DATE OF DECISION 11.8.98Shri H.J.Meena

Petitioner

Mr.M.S.Trivedi

Advocate for the Petitioner [s]

Versus

Union of India & Ors.

Respondent

Mr.R.M.Vin

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.Radhakrishnan : Member (A)

The Hon'ble Mr. Laxman Jha : 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 ?

Shri H.J.Meena
S.S.Sihore,
Bhavnagar.

: Applicant

(Advocate: Mr.M.S.Trivedi)

Versus

1. Union of India through
The General Manager,
Western Railway,
Church Gate, Bombay.
2. Divisional Railway Manager(E)
Divisional Railway Manager's
Office, Bhavnagar Division.
Bhavnagar.
3. C.P.TS(E)
Western Railway
Church Gate,
Bombay.

: Respondents

(Advocate: Mr.R.M.Vin)

ORAL ORDER

O.A.181/92

Date: 11.3.1998

Per: Hon'ble Mr.V.Radhakrishnan

: Member(A)

Heard Mr.M.S.Trivedi and Mr.R.M.Vin, learned counsels for the applicant and the respondents respectively.

After discussion, at the bar, It is seen that the decision rendered by the Allahabad High Court in J.C.Malik v. Union of India (1978), SLR P.844 has been approved by the Supreme Court in R.K.Sabrawal vs. State of Punjab (1995) 2 SCC 745 and, therefore, the learned counsel for the parties agreed that this O.A. deserved to be disposed of with directions as contained in a decision of this Tribunal in M.A. Dhatiwala v. Union of India, O.A. No.372/95 decided on 30.11.1995.

Ad

: 3 :

and followed by Judgment of this Tribunal in
O.A.369/93 dated 17.6.1998.

Accordingly, this O.A. is disposed of with a direction to the respondents "to re-examine the entire matter of seniority and promotion of the applicant and following, the recent decisions of the Supreme Court in Malik's case, Sabbarwal's case and Virpal's case (ATR 1987 (2) CAT 71). The respondents shall complete this exercise and issue orders, if necessary, within a period of three months from the date of receipt of a copy of this judgment. If the decision aggrieves the applicant, it will be open to them to seek legal remedy in that behalf." No costs.

It may be mentioned that if the entire exercise has been done by the respondents pursuant to similar directions made in the case of M.A.Dantiwala (supra) and that no further steps are necessary to be taken in the present case, they shall inform the applicant accordingly within the period specified and the applicant shall be at liberty to challenge the decision so taken, if aggrieved and so advised.

RJ
(Laxman Jha)
Member (J)

VR
(V.Radhakrishnan)
Member (A)

aab