

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

3

O.A.No. 430 OF 1992

~~Ex.No.~~ with

M.A.No. 371 OF 1992

DATE OF DECISION 27-9-1993.



Abdulgani Abdulkarim Petitioner

Mr. G.I.S. Supehia Advocate for the Petitioner

Versus

Union of India & Ors. Respondents

Mr. N.S. Shevde Advocate for the Respondent(s)

GRAM :

Hon'ble Mr. R.C. Bhatt, Judicial Member.

Hon'ble Mr. M.R. Kolhatkar, Admn. Member

6

Abdulgani Abdulkarim,
residing at Block No.56-T,
Railway Quarter No.F
Saraspur Railway Colony No.2,
Ahmedabad - 18.

.... Applica ..

(Advocate: Mr. I.S. Suphia)

Versus.

1. Union of India
Notice to be served through
General Manager,
Western Railway,
Churchgate, Bombay.
2. Divisional Commercial Supdn.,
Ahmedabad Railway Station,
Ahmedabad.
3. Area Superintendent,
Area Superintendent's office
Western Railway,
Ahmedabad.

..... Respondent

(Advocate: Mr. N.S. Shevde)



J U D G M E N T

O.A.No. 430 OF 1992

with

M.A.No. 371 OF 1992

Date: 27-8-1993.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. I.S. Suphia, learned advocate
for the applicant and Mr. N.S. Shevde, learned advocate
for the respondents.

2. This application under section 19 of the
Administrative Tribunals Act, 1985, is filed by the
applicant seeking the relief to quash and set
the impugned order dated 7th August, 1986 passed by
the Divisional Commercial Superintendent, i.e.,
respondent No. 2 and the order in appeal dated 7th
September, 1987 passed by Area Superintendent, West.

Railway, Ahmedabad, i.e., respondent No. 1, and further seeking the relief to direct the respondents to reinstate the applicant in service with full backwages. This ^{O.A} is filed before the Registry on 22nd April, 1992. The impugned appellate order is dated 7th September, 1987, therefore, the applicant filed M.A. 371/92 for condoning the delay in filing this application. The respondents have filed reply to this M.A resisting the application for condonation of delay. The applicant has filed rejoinder.

3. We have heard the learned advocates at length.

The applicant in the application for condonation of delay has averred that the applicant was relieved from the service by order dated 22nd June, 1985 on the ground that as he was in unauthorised occupation, he would not be taken back on duty till he vacated the railway quarter. According to him, he challenged the said order by filing Special Civil Application No. 3707/85 before the High Court of Gujarat in which the High Court had directed the respondents to allow the applicant to discharge his duties by way of an interim relief but the respondents removed the applicant from service by the order dated 7th August, 1986, therefore, this applicant filed an application for contempt in December 1986 being Misc. Civil Application No. 23/87 which was heard by the Division Bench on 26th April, 1991. It is averred by the applicant that the Division Bench disposed of the said Contempt Application with observation that as the

(2)

main Special Civil Application was pending, the applicant could avail the remedy under order 39(2)(a) of the Civil Procedure Code, 1908. The applicant had filed departmental appeal against the order of removal and was awaiting for a decision of the appellate authority, but during the final hearing of the Contempt Application which was heard on 26th April, 1991, it was brought to the notice of the High Court that the authority had taken decision on 7th September, 1987. According to the applicant's learned advocate, it was only on 26th April, 1991 that the applicant's learnt from the affidavit-in-reply of the respondents in Contempt Application that the authority had taken decision in departmental appeal on 7th September, 1987. The applicant has averred in the application that the said decision was never communicated to the applicant, but after the contempt application was disposed of on 26th April, 1991, his counsel advised him to obtain the copy of the appellate order to take appropriate legal action and ultimately he was able to procure it on 3rd April, 1992. The applicant has therefore, averred in the application that there is no delay in filing this O.A but if it is held technically that the application is filed but there is 3½ years of delay, the same be condoned for the reasons mentioned in the application.

4. The respondents in the reply have contended that during the pendency of this Special Civil Application filed in the High Court, the applicant had filed

Departmental appeal on 24th January, 1987 against the order of removal, but the respondents have denied that during the final hearing of the contempt application it was brought to the notice of the High Court that the authority had taken a decision in the appellate proceedings. They have denied that the decision of the appellate authority was never communicated to the applicant. They have contended that the copy of the appellate authority's order was communicated to the applicant vide letter dated 7th September, 1987 on 7th September, 1987 and the applicant has given acknowledgement on that day in token of having received the said letter dated 7th September, 1987, a copy of which is produced at Annexure R-1.

5. The learned advocate for the applicant submitted that the applicant is an illiterate person and though he has signed Annexure R-1, the writing of Ann. R-1 was in English and he was not able to know the contents of that writing. The acknowledgement Annexure R-1 which bears the signature of the applicant in Gujarati shows that he has acknowledged the receipt of the letter mentioned therein. The applicant in his rejoinder has stated that he did not understand the contents of Ann. R-1 and his signature had been obtained by some official on the said paper without informing him as to what was written therein. He has mentioned in rejoinder that no order was served by the respondents authority at the time of obtaining signature on the said

(6)

document. He has contended that the respondents have taken advantage of his illiteracy to create a false opinion before the Tribunal. He has stated that the order passed by the appellate authority was never communicated to him as alleged.

6. We have considered all the averments made in his application and also the rejoinder and we have considered the reply filed by the respondents. The document Annexure R-1 dated 8th September, 1987 shows the signature of the applicant. The writing though is in English, it shows that the document mentioned therein dated 7th September, 1987 was received by him. If the applicant was not able to understand what was written in it he could have consulted someone or could have written to the respondents as to what was that writing. He could have asked the respondents to explain him as to what was the order, but we do not believe him that the copy of the order was not served on him or that the respondents have taken advantage of his illiteracy. He is not an illiterate person because he has signed the document Annexure R-1 in Gujarati. It is not possible to believe that the applicant would not have enquired about the contents of Ann. R-1 for such a long time and it is not possible to believe him that he came to know for the first time only on 26th April, 1991 that the appellate authority has passed the order on 7th September 1987. The allegation that the respondents have taken

advantage of his illiteracy by obtaining signature. Annexure R-1 is not at all believable. There is no question of taking advantage of his illiteracy because when a document was given to a party, acknowledgment has to be taken ^{from him about it} / and that is done in his case.

The applicant was absolutely negligent ^{and} / careless in not making an enquiry about what was written in Annexure R-1. If he was little vigilant he could have known what the document Annexure R-1 contained, but he was absolutely careless and negligent and he has made out a case about his illiteracy and he has wrongly found fault with the respondents by stating that the respondents had taken advantage of his illiteracy. We have also considered the decision

annexed with rejoinder given by the High Court on 13th June, 1983 in the case of Ram Bhawan Ahir Vs. State of Gujarat. The learned advocate for the applicant submitted that if there is delay in filing this application, the applicant may not be entitled to backwages but he would be entitled to be reinstated in service. This submission is on the basis that the orders passed by the respondents are illegal. In the instant case, the applicant had to file an application under section 21 of the Administrative Tribunals Act, 1985 within one year from the date of the communication of the order on 1st March and it is communicated to him on 8th September, 1987 as appears from the documents Annexure R-1. There is a

delay of more than 3½ years in this case and as observe above, there is not only no inaction on the part of the applicant, there is gross negligence on the part of the applicant in not enquiring about the contents of Ann.R-1 and we find absolutely no sufficient reason to condone the delay in filing the application hence M.A. 371/92 is dismissed. In view of the dismissal of M.A. 371/92 D.A also deserves to be dismissed. Hence we pass the following order.

ORDER

M.A. 371/92 is dismissed and hence O.A. 430/92 is not admitted and is dismissed.

Sd/-
(M.B. Kolhatkar)
Member (A)

Sd/-
(R.C. Bhatt)
Member (J)

Prepared
Checked

M. G. Mehta
2/9/83

etc.

JE COPY

Central Administrative Tribunal
Ahmedabad Bench

CA 111
Ahmedabad Bench

- (a) Serial Number of the Application. 192/83
(b) Name of the Applicant. Sh. Abdul Gani
(c) Date of receipt of application for copy. 2/8/83
(d) Number of copies. Eight
(e) Copy to be made. R-8/2 2811
(f) Date of receipt of copy. 02/8/83
(g) Date of receipt of copy. R-8/2
(h) Date of receipt of copy. 2/8/83
(i) Date of receipt of copy. 2/8/83
(j) Date of receipt of copy. 02/9/83

True Copy
G.A. Mahila
Shwale

MA/ST/185/94

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

CA/TA/PA/RA/CA

No.

MA

210

194

in

RA ST/56/93

n.OA/430/92

Sh. Abdulgani AbdulKerim

APPLICANT (S)

Shri P.H. Pathak

COUNSEL

VERSUS

U.O.I

RESPONDENT (S)

COUNSEL

Date

Office Report

ORDERS

for restoration

Allowed

Disposed of on 18-4-94

3/4-4

*Strike off whichever is not applicable.

Signature of the alleged contemner.
Signature of the Hon'ble Members presiding over the Bench.

- (1) Do you plead guilty to the charge?
Answer:
(2) Do you have anything else to say?
Answer:

The charge was read over and explained to the alleged contemner and he was asked as under :
Signature of the Hon'ble Member.

We hereby direct you to be tried by this Tribunal for the aforesaid charge.

That you _____ on or about _____ day of _____ at _____ (there give the gist of the material allegedly constituting Contempt) and thereby committed the contempt of this Tribunal punishable under Section _____ (here give the relevant Section of the Contempt of Courts Act, 1971,) within our cognizance.

We Members constituting the Bench of the Ahmedabad Bench, Central Administrative Tribunal, hereby charge you _____ (name of the alleged contemner) as under:-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

Place: 5th Floor,

B.D. Patel House

Br. Sardar Patel Colony

Ahmedabad-14.

CHARGE

(See rule 15 (11))

FORM NO. IV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

M.A. NO. 210 OF 1994

IN

R.A. NO. 56 OF 1993

IN

O.A. No. 430/92

Abdulgani Abdulkarim

Block No.56-T

Railway Quarter No.F

Saraspur, Railway Colony No.2

Ahmedabad-18

..applicant

vs

1. Union of India

Notice to be served through

General Manager

Western Railway

Churchgate, Bombay

2. Divisional Commercial Supdt

Ahmedabad Railway Station

Ahmedabad

3. Area Superintendent

Area Supdt's Office

Western Railway

Ahmedabad

..respondents

Application for Restoration of
Review Application

MAY IT PLEASE THE HON'BLE TRIBUNAL:

1. That the applicant has filed the abovementioned Review Application in O.A. pointing out that the judgement of the

..2/-

Hon'ble Supreme Court is not pointed out to the Hon'ble Tribunal and therefore in interest of justice the judgement and order of the Hon'ble Tribunal is required to be reviewed. That the said Review Application was placed under objection for producing an affidavit of the applicant. That the papers of the Original Application and Review Application etc. were not traceable in the office of the advocate of the applicant and therefore an application for getting the copies from the Hon'ble Tribunal was made and therefore the objections which were raised are not fully complied with.

2. That the matter was placed on board on 15.3.93. That due to the mistake on the part of the clerk of the advocate, the matter was not pointed out to the advocate and therefore on that date it was not pointed out to the Hon'ble Tribunal that the affidavit is obtained and the objection will be removed within the course of the day. That due to this bonafide mistake on the part of the advocate of the applicant, the application is dismissed for non removing of the objection.

Copy of the

2. The order passed by this Hon'ble Tribunal is ~~reproduced here as under~~ annexed and marked as Annexure 'A' to this application.


3. In light of the above circumstances beyond the control of the applicant, the applicant pray that :

(A) The Hon'ble Tribunal be pleased to restore the application and direct the office to give the No. of Review Application and place it before the Hon'ble Tribunal for further direction.

: 3 :

- (B) Be pleased to dispense with the ^{verification} affidavit of the applicant in light of the special circumstances of the case about dismissal of the Review Application in default.
- (C) Any other relief to which the Hon. Tribunal deems fit and proper in interest of justice together with cost.

Date : 25/3/94
Ahmedabad


(P. M. Pathak)
Advocate for the applicant

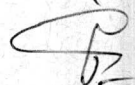
Judi Sec.

MA is not executed with
necessary verification. For that
advocate has prayed to
A dispense with the verification
Clause.

If approved, we may
give regular number. For orders pl.

LBhapa-
29.3.94

DR/JS) A may be looked into
by the Hon'ble Bench. Regu-
lar number may be given


29-3-94

Ann A

Shri Abdulgani Abdulkarim,
Block No. 56-T,
Railway Quarter No.F,
Saraspur, Railway Colony No.2,
Ahmedabad-18.

..Applicant.

(Advocate : Mr. P.H. Pathak and
Mr. G.A. Malik).

Vs.

1. Union of India,
Notice to be served through
General Manager,
Western Railway.
Churchgate, Bombay-2.
2. Divisional Commercial Supdt.
Ahmedabad Railway Station,
Ahmedabad.
3. Area Superintendent,
Area Superintendtn's Office,
Western Railway.
Ahmedabad.

..Respondents.

ORAL JUDGMENT

R.A.St.No. 56 OF 1993, in
O.A.No. 430 OF 1992 with
M.A. No. 371 of 1992.

Date : - 15th March, 1994.

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

Objections are not removed though more than sufficient
time has been given for the same. Registration declined.

sd/-

(K.Ramamoorthy)
Member (A)

sd/-

(N.B. Patel)
Vice Chairman

True copy
A

O/A/T/M/H/C No. 241/94 in ~~Rat/SC/92~~ 04/480/92 24/11/94

MR P. H. Dethak
COUNSEL

VERSUS

COUNSEL

Date	Office Report	ORDERS
	Amendment	

MA/241/94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

REVIEW APPLICATION NO. 58 30 OF 1994

IN

MISC. APPLICATION NO. 371 OF 1992

IN

ORIGINAL APPLICATION NO. 430 OF 1992

Abdulgani Abdulkarim

..applicant

vs

Union of India & ors.

..respondents

AMENDMENTMAY IT PLEASE THE HON'BLE TRIBUNAL:

That after para 2 of the Review Application, the following para may be allowed to be amended.

2(A) It is submitted that so far the condonation of delay is concerned, the settled legal position laid down by the Hon'ble Supreme Court in case reported in AIR 87 SC 1352 is not brought to the notice of Hon'ble Tribunal. That when the applicant is not pressing for the back wages for the period from the date of his illegal dismissal till the reinstatement, there is no question of doing injustice to the respondents by allowing the condonation application. That the applicant will get a fair opportunity of adjudication before the Hon'ble Tribunal. In light of this also the decision of Hon'ble Tribunal rejecting the Misc. Application for condonation of delay is required to be ~~rejected~~ reviewed in interest of justice.

Filed by Mr. P. H. Kathalka
Learned Advocate for Petitioners
with enclosed set of N2 spares
copied only and not served to
other side

..2/-

M.

Pholai
18/11/94

Dy. Registrar C.A.T.O.
A'Bad Bench

Received
18/11/94

MA-5-243/94

2(B) That so far the merit of the case is concerned, the applicant is having meritorious case. That in no circumstances the applicant can be dismissed from service on the alleged misconduct of unauthorised occupation of the quarter. That there is a special provision for charging higher rent if an employee is not vacating the quarter as well as there is provision under the Public Premises Eviction Act which provide to evict an unauthorisedly occupant in Govt. premises. That the respondents cannot be permitted to adopt short cut by dismissing the applicant from service to get vacated the quarter occupied by him. That there is no question of any misconduct on the part of the applicant. That on merit, there are various points in favour of the applicant which prima facie proves that the action on the part of the respondents is ex facie bad in law and for the alleged offence of unauthorised ~~basence~~ absence, the economic death penalty cannot be awarded by the respondents. It is a clear case of arbitrary exercise of power and is non application of mind by the respondents and therefore also the applicant is required to be given a fair opportunity for adjudication of his case before the Hon'ble Tribunal in interest of justice.

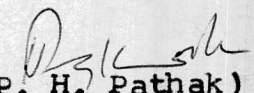
2(C) It is important to note that there are large no. of similarly situated employees who are also unauthorisedly occupying the quarter etc. are not awarded the punishment of removal from service. The department has charged the rent from those employees and therefore the applicant is seeking equal treatment even in case it is proved that the applicant is unauthorisedly occupying the quarter.

31

: 3 :

That on the abovementioned grounds which are required to be considered by the Hon'ble Tribunal for condoning the delay, the present application is required to be filed for review of the decision.

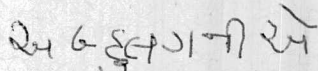
Date : 18/4/99
Ahmedabad


(P. H. Pathak)
Advocate for the applicant

VERIFICATION

I, Shri Abdulgani Abdulkarim, adult, residence of Ahmedabad, do hereby verify that what is stated above is true to my personal knowledge and I believe the same to be true and that I have not suppressed any material fact.

Date : 18/4/99
Ahmedabad



Submitted.

Application has been scrutinized and found to be
in order. May be placed before Hon'ble Bench for
necessary order.

ccedaf
26/04/94

May be placed for soc/s)
orders on 12-5-94.

Wshpan-
12-5-94

DR/s)
Prady
5-5-94

2A1 14 194

I N D E X

Sl. No.	Date of paper or date of filing	Description of paper	Part to which the paper belongs		Remarks
			Part	Page Nos.	
1.	07/10/93	2A	A	1 to 9	
			B	1 to 9	
2.	12/04/94	MA/210/94	A	10 to 13	
		Restoration	B	10 to 13	
3	26/04/94	MA/241/94	A	14 to 16	
		Amendment	B	14 to 16	

- ✓ 1. Judgment / Order by
(i) Hon'ble Mr. R. C. Bhatt Member (J) and
(ii) Hon'ble Mr. M. R. Kolhatkar Member (A)

✓ 2. Both the aforesaid Members are functioning in this Tribunal.

2. Hence to be placed before the said Members i.e.,
Hon'ble Mr. R. C. Bhatt &
Hon'ble Mr. M. R. Kolhatkar

3. Hon'ble Mr. _____ still belongs to Local Bench but Hon'ble Mr. _____ is now a Member/V.C. of _____ Bench.

3. Hence may be sent for consideration by circulation to the said Members i.e.,
Hon'ble Mr. _____ &
Hon'ble Mr. _____.

4. Both the aforesaid Hon'ble Members have ceased to be Members of the Tribunal.

4. Hence to be placed before Hon'ble V.C. for constituting a Bench of any 2 Members of this Bench.

5. Hon'ble Mr. _____ has ceased to be Member of Tribunal but Hon'ble Mr. _____ is available in this Bench.

5. Hence may be placed before Hon'ble V.C. for constituting a Bench of Hon'ble Mr. _____ who is available in this Bench and of any other Member of this Bench for preliminary hearing. May be placed before Hon'ble V.C. for sending the R.A. to both the Members for consideration by circulation. If one of the Members is of the view that the petition merits a hearing, reference may be made by Hon'ble V.C. to the Hon'ble Chairman seeking orders of the Hon'ble Chairman.

6. Both the aforesaid Members are now Members of other Benches namely _____ and _____ Benches.

6. Therefore, orders of the Hon'ble ~~Vice~~ Chairman are required to be obtained by Hon'ble ^{Vice} Chairman.

7. The case is not covered by any of the above contingencies.

Chaffin

Diarised under
RA St. No. 56 93

Submitted.

Mr. P. H. Pathak has filed this Review on behalf of the Applicant is not found in codes. The defects are as under:-

- 1) Applicant has submitted in the Application that OA/430/92 is disposed on 02/09/93 whereas actually the case was disposed on 27.08.93
- 2) Affidavit has not been filed. (signed.)
- 3) Application is unsigned both by the Advocate as well as Applicant.
- 4) There is delay of 4 days.
- 5) Objection is letter is put up for sign. please

ccedaf
07/10/93

obj. letter
may be issued
R
7/10/93

SO (J)

DR (J)
7.10.93

Resubmitted.

Advocate has not turned up to remove objection. May be placed before Hon'ble Members (J) for necessary orders.

ccedaf
22/10/93

Date of filing of
RA is 1.10.93.

SO (J)

It is for orders,

DR (J)

A / whether this be put in BR's hand for removal of office obj.

CF 22-10-93

DR (J) As per A on 11-93

Plain
22.10

1-11-93.

objections are not removed,
~~one reminder may be~~ Adj.
for removal of office objection
to 10-11-93.

[Signature]
1/c Registrar

10-11-93 objection not removed objection
letter issued on 8-10-93. Adj. for
removal of objection on 22-11-93

[Signature]
1/c Registrar

22-11-93

None present. Open objection not
Complied. In the interest of Justice
matter is adjourn on 1-12-93

12-93

objection not removed. Hon'ble
Member (J) is going to retire from
5-12-93. Therefore, this matter may
be placed before Hon'ble M(J) Shri
R.C. Bhatt on st. no. by circulation
on 3-12-93.

[Signature]
1/c Registrar

Judl sec

This matter was required to be placed before
the Mr. R.C. Bhatt on 3-12-93, but as
Mr. Bhatt was to retire on w.e.f. 5-8-
12-93 being Saturday and Sunday
Bhatt was busy with for the u
matter could not be placed be
may be also Proceed.

CAT
Judl sec

with ref to the office note on Prepage,
dtd 22.12.93,

either of the advocates, - shri PH Pathak
& shri Malik have not turned up
to remove objections in RA.

RA may be placed in "under objection"
Board on 28.1.94.

CPJ/8m
25.1.94

DR/85 CPJ/8m
25.1.94

21/7/94 RPAD received from RESP no: 283 (each-1)

LIST OF BUSINESS

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

.. VICE CHAIRMAN

... JUDICIAL MEMBER

.. ADMINISTRATIVE MEMBER

COURT No.

FLOOR No.

DAY :

DATE :

TIME :

Sr. No.	Reg. No	Name of Parties	Name of advocate	Subject	Remarks
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RA. St. 56/93

MA/430/92

MA/371/92

Date	Office Report	Order
28/1/94		<p>other</p> <p>As the learned Member of the Bench is not available, the matter is adjourned to 11/2/94</p> <p>R</p> <p>K. RAMAMOORTHY MEMBER (A)</p>
11.2.94	<p>office obj. not removed.</p> <p>CBhajan- 3/3/94</p>	<p>Adjourned to 4-3-1994, at the request of Mr. Pathak for removal of objections etc.</p> <p>R</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>*AS</p>
15/3/1994		<p>Adjourned to 15/3/1994 at the request of Mr. Pathak. Objections to be removed before that date.</p> <p>R</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>a.a.b.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL

~~PRINCIPAL BENCH DELHI~~

AHMEDABAD BENCH.

~~Ox~~~~Ax~~~~Nx~~
~~Tx~~~~Ax~~~~Nx~~

XIX

R.A.ST.NO. 56 OF 93 in
O.A. No.430 of 1992 with
M.A.NO. 371 of 1992.

DATE OF DECISION 15.3.1994.

Shri Abdulgani Abdulkarim Petitioner

Shri P.H.Pathak and _____ Advocate for the Petitioner (s)

Shri G.A.Malik. Versus

Union of India and ors. Respondent

Advocate for the Respondent(s)

CORAM .

The Hon'ble Mr. N.B.Patel : Vice Chairman

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

JUDGMENT

: 2 :

Shri Abdulgani Abdulkarim,
Block No.56-T,
Railway Quarter No.F,
Saraspur, Railway Colony No.2,
Ahmedabad - 18.

...Applicant.

(Advocates : Mr.P.H.Pathak and
Mr.G.A.Malik).

Vs.

1. Union of India,
Notice to be served through
General Manager,
Western Railway,
Churchgate, Bombay-2.
2. Divisional Commercial Supdt.,
Ahmedabad Railway Station,
Ahmedabad.
3. Area Superintendent,
Area Superintendent's Office,
Western Railway,
Ahmedabad.

...Respondents.


ORAL JUDGMENT


RA.ST.No. 56 OF 1993, in
O.A.No. 430 OF 1992 with
M.A.NO. 371 of 1992.

Dated :15th March,1994.

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

Objections are not removed though more than
sufficient time has been given for the same. Registration
declined.


(K.Ramamoorthy)
Member (A)


(N.B.Patel)
Vice Chairman

ait.

Date	Office Report	ORDER
18.4.1994.	<p>Objections in RA removed and RA is given regular number. CPShahen h-5-9n.</p>	<p>M.A./210/94, allowed. The early office objection was to the effect that the R.A. was not supported by the affidavit. Mr.P.H.Pathak states that the affidavit is ready and will be filed by tomorrow, i.e 19.4.94. The order declining Registration of the R.A. is set aside. After the affidavit is filed, R.A. may be given regular number. M.A./210/94, stands disposed of.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>ait.</p>
12/5/94		<p>Mr.Pathak, advocate for the applicant is present. Adjourned to 8/6/94, at the request of Mr.Pathak.</p> <p>(Dr.R.K.Saxena) Member (J)</p> <p>(V.Radhakrishnan) Member (A)</p> <p>*ssh*</p>
8/6/94		<p>Leave note filed by Mr.Pathak. Adjourned to 16/6/94.</p> <p>(Dr.R.K.Saxena) Member (J)</p> <p>(V.Radhakrishnan) Member (A)</p> <p>*ssh</p>

Date	Office Report	ORDER
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16-6-94

As the other learned Member of the Bench is not available, the matter is adjourned to 28-6-1994.

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

vtc.

28-6-94

Mr. Pathak for the applicant is not present.
Adjourned to 4th July, 1994.

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

(K.Ramamoorthy)
Member (A)

vtc.

Date	Office Report	ORDER
5/7/94		<p>Mr.Pathak is not present. Adjourned to 6/7/1994.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>aab</p>
6.7.94		<p>At the request of Mr.Pathak, adjourned to tomorrow i.e. 7.7.94.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
7.7.94		<p>Adjourned to tomorrow i.e. 8.7.94, at the request of Mr.P.H.Pathak.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
8.7.94	<p>Notice issued on 13/7/94. R-223 Served. 24/7/94.</p>	<p>Notice returnable on 22.7.94.</p> <p>(N.B.Patel) Vice Chairman</p> <p>AAB</p>

Date	Office Report	ORDER
5/7/94		<p>Mr.Pathak is not present. Adjourned to 6/7/1994.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>aab</p>
6.7.94		<p>At the request of Mr.Pathak,adjourned to tomorrow i.e. 7.7.94.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
7.7.94		<p>Adjourned to tomorrow i.e.8.7.94,at the request of Mr.P.H.Pathak.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
8.7.94		<p>Notice returnable on 22.7.94.</p> <p>(N.B.Patel) Vice Chairman</p> <p>AAB</p>

Date	Office Report	ORDER
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22.7.94


Heard Mr.N.S.Shevde.


Amendment permitted.Mr.Shevde does not want to file any reply to the amendment and states that the Review Application may be taken up for hearing. He further states that he reserves his right to file reply to the amendment in the event of Review Application being allowed.

M.A.241/94 stands disposed of accordingly.

R.A./14/94

Oral order passed separately.


(K.Ramamoorthy)
Member(A)


(N.B.Patel)
Vice Chairman

aab

Date	Office Report	ORDER
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12.7.94

Amendment permitted. Mr. Shvede does not want to file any reply to the amendment and requested the Review Application may be taken up for hearing. He further stated that he reserves his right to file reply to the amendment in the event of review Application being allowed.

12.7.94 stands disposed of accordingly.

12.7.94

Order passed accordingly.

(V. Shvede)
Head (A)

(N. S. Patel)
Vice Chairman

asp

Date	Office Report	ORDER
22.7.94		<p data-bbox="688 344 1078 384">Heard Mr.N.S.Shevde.</p> <p data-bbox="613 410 1602 779">Amendment permitted.Mr.Shevde does not want to file any reply to the amendment and states that the Review Application may be taken up for hearing. He further states that he deserves his right to file reply to the amendment in the event of Review Application being allowed.</p> <p data-bbox="704 818 1516 858">M.A.241/94 stands disposed of accordingly.</p> <p data-bbox="899 910 1094 950"><u>R.A./14/94</u></p> <p data-bbox="721 1002 1289 1042">Oral order passed separately.</p> <div data-bbox="656 1147 932 1226"><p>(K.Ramamoorthy) Member (A)</p></div> <div data-bbox="1273 1160 1533 1226"><p>(N.B.Patel) Vice Chairman</p></div> <p data-bbox="649 1358 712 1397">aab</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

R.A.14/94 in
O.A. NO./430/92
~~T.A. NO.~~

DATE OF DECISION 22.7.1994

Shri Abdulgani Abdulkarim **Petitioner**

Mr.P.H.Pathak & Mr.G.A.Malik Advocate for the Petitioner (s)

Versus

Union of India & others	Respondent
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Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N.B. Patel

: Vice Chairman

The Hon'ble Mr. K. Ramamoorthy

: 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.

Shri Abdulgani Abdulkarim,
Block No.56-T,
Railway Quarter No.F,
Saraspur, Railway Colony No.2,
Ahmedabad-18.

: Applicant

(Advocate: Mr.P.H.Pathak & Mr.G.A.Malik)

Versus

1. Union of India,
Through:
General Manager,
Western Railway,
Churchgate, Bombay.
2. Divisional Commercial Supdt.,
Ahmedabad Railway Station,
Ahmedabad.
3. Area Superintendent,
Area Superintendent's Office,
Western Railway,
Ahmedabad.

: Respondents

ORDER

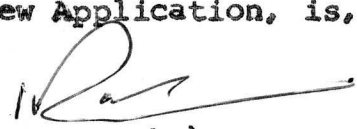
R.A.14/94 in
OA/430/92

Date: 22.7.1994

Per: Hon'ble Mr.N.B.Patel

: Vice Chairman

Heard Mr.N.S.Shevde. Review is sought of the order dated 27.8.1993 passed by Mr.R.C.Bhatt the then Hon'ble Member (J) (now retired) and the Hon'ble Member Mr.M.R.Kholhatkar (now on Bombay Bench) whereby the prayer of the applicant to condone delay was rejected. It may be that our approach towards the question of condonation of delay may be different. However, that does not justify the review of the order in question. Review Application, is, therefore, rejected.


(K.Ramamoorthy)
Member (A)


(N.B.Patel)
Vice Chairman

SECTION IX

Central Administrative Tribunal
Ahmedabad Bench,
Inward No. 1394
Date 2-11-95

D.No. 579/95/IX
Supreme Court of India,
New Delhi.

Dated:- 13/10/95

From:-

Section Officer,
Supreme Court of India.

To:-

✓ The Registrar,
Central Administrative Tribunal,
Ahmedabad Bench, Ahmedabad.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 10386 of 1995
(Petition under Article 136 of the Constitution of India,
from the Judgment and Order dated 27/8/93
of the Central Administrative Tribunal, Ahmedabad

Bench in M.A.No.371/92 in O.A.No.430/92).

Abdulgani Abdulkarim

..Petitioner(s)

-Versus-

Union of India & Ors.

..Respondent(s)

Sir,

I am directed to inform you that the Petition
above-mentioned filed in the Supreme Court was listed
before the Court on 17/4/95 when the
Court was pleased to pass the following order:-

"There is a delay of 337 days in filing the special
leave petition for which no satisfactory explanation
has been offered. The special leave petition is
dismissed both on the ground of delay as well as
on merits."

For perusal please:-

Yours faithfully,

① Honble the vice chairman, *conleave* Section Officer

② Honble Mr. V. Radhakrishnan, member *conleave*

③ Honble Mr. K. Ramaswamy, member *conleave*