

Promotion

TRAXXIS.

DATE OF DECISION 16.2.1993

Shri Hansraj S/o Shree Devaji Petitioner

Mr. G.M. Shah _____ Advocate for the Petitioner(s)

Versus

The Union of India & Others Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt,

Member (J)

The Hon'ble Mr.v. Radhakrishnan

Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Hansraj S/o Shree Devaji

... Applicant.

Vs.

The Union of India,
Through;
The General Manager,
Western Railway,
Churchgate,
Bombay- 400 001.

... Respondent

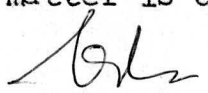
O R A L J U D G M E N T


O.A./362/1992

Date: 16.2.1993.

Per: Hon'ble Mr. R.C. Bhatt, Member (J)

1. None is present for the applicant. None was present on 3rd December, 1992, 17th December, 1992, 22nd Jan. 1993, and 3rd Feb. 1993. Today, also none is present for the applicant. No application for adjournment. Hence, the matter is dismissed for default.


(V. Radhakrishnan)
Member (A)


(R.C. Bhatt)
Member (J)

*K

Date	Office Report	O R D E R
10-8-93		<p>Advocate for the applicant not present. Adjourned to 17th August 1993.</p> <p style="text-align: right;"><i>VR</i> (V. Radhakrishnan) Member (A)</p> <p>*AS.</p>
17/8/93		<p>Notice to the respondents returnable on 14th September, 1993.</p> <p style="text-align: center;"><i>VR</i> (V. Radhakrishnan) Member (A)</p> <p style="text-align: right;"><i>NBP</i> (N.B. Patel) Vice Chairman</p>
14-9-93	<p><i>Resp. Sub.</i> <i>AD-Ship awaiting</i> <i>20/9/93</i></p>	<p style="text-align: center;"><u>M.A. 353/93 in O.A. 362/92</u></p> <p>Applicant and his advocate are not present. Notice ^{of} to the M.A. was required to be issued but the notice ^{of} to the O.A., which is already dismissed for default, ^{is} issued. That notice has not returned.</p> <p>Adjourned to 21-9-93 to — await the return of — notice.</p> <p style="text-align: center;"><i>VR</i> (V. Radhakrishnan) Member (A)</p> <p style="text-align: right;"><i>NBP</i> (N.B. Patel) Vice Chairman.</p> <p>*AS.</p>

M.A. 353/93 in, O.A. 362/92

DATE	OFFICE REPORT	ORDER
21-9-93		<p>O.A. was dismissed for default ^{of} appearance on the part of the applicant on the date on which it was fixed for admission hearing. For the reasons mentioned in this M.A., the dismissal order is set aside, and O.A. 362/92 is restored to file. M.A. allowed accordingly. O.A. to be fixed for admission hearing on 5-10-1993.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman.</p> <p>*AS.</p> <p><u>O.A./362/92</u></p>
5/10/93	<p>Des. Sub. reply not filed. Chagan 18-10-93</p>	<p>Notice returnable on 19.10.1993. On being furnished with a copy of the application and annexures thereto, Mr. Kyada waives service of notice and states that he will file reply.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p> <p>a.a.b.</p>

071362/92

19/10/93

other

As the learned Member of
the Bench is not available,
the matter is adjourned

to.....11/11/93.....

M. B. Patels
Vice Chairman

11/11/93

Reply is still not filed. Admitted.

The respondents are directed to file reply
latest by 9.12.1993. Rejoinder if any,
may be filed within two weeks after the
filing

Date

Office Report

Order

11/11/93

*Reply & Rejoinder
are not filed
14/2/94*

Reply is still not filed. Admitted.
The respondents are directed to file reply latest by 9.12.1993. Rejoinder, if any, may be filed within two weeks after the filing of the reply. Whether the reply and the rejoinder are filed or not filed within the stipulated period, the matter may be fixed for final hearing on 15.2.94.

OK
(V.Radhakrishnan)
Member (A)

v
(N.B.Patel)
Vice Chairman

a.a.b.

Other
As the learned Member of the Bench is not available, the matter is adjourned to 16-3-94

R
K. RAMAMOORTHY
MEMBER [A]

Sick note filed by Mr. Shah, adjourned to 28.4.1994.

L
(K.Ramamoorthy)
Member (A)

J
(N.B.Patel)
Vice Chairman

a.a.b.

16/3/94

15/2/94

Date	Office Report	Order
28.4.1994.	<p>Counter affidavit filed.</p> <p>8/5/94</p>	<p>Reply filed by Mr. B.R. Kyada on 27.4.1994, taken on record as requested by Mr. B.R. Kyada. Adjourned to 11.7.1994 for final hearing. The applicant may file rejoinder at least ten days before the final hearing with a copy to Mr. Kyada.</p> <p>Call on 11.7.1994.</p> <p>(K. Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>ait.</p>
11.7.94	<p>As per oral direction of Hon'ble the J.C. the matter is fixed for hearing on 28/9/94.</p> <p>28/9/94</p>	<p>Time being over, adjourned to 24.8.94.</p> <p>(V. Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>ssh</p>
28/9/94		<p>At the Joint request of the parties advocates adjourned to 2/11/94</p> <p>(V. Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p>

Date	Office Report	O R D E R
2-11-94		<p><i>other</i> As the Learned Member of the Bench is not available, the matter is adjourned to <u>22-12-94</u>.....</p> <p><i>(N. B. Patel)</i> Vice Chairman</p>
22-12-94		<p><u>O.A. 362/92 with M.A. 326/94</u></p> <p>Heard Mr. S.G. Shah and Mr. Kyada.</p> <p>We find that the service-sheet of the applicant as also the seniority lists of the cadres of Safaiwala and Pipe Fitter from 1984 onwards are very relevant documents for the purpose of deciding the controversy arising in the O.A. M.A. is therefore, allowed to the extent of directing the respondents to produce the said records. M.A. stands disposed of accordingly.</p> <p>Adjourned to 27.1.1995.</p> <p><i>R</i> (K. Ramamoorthy) Member (A)</p> <p><i>(N. B. Patel)</i> Vice Chairman</p>
27/1/95		<p>vtc.</p> <p>Adjourned to 15/2/95, at the request of Mr. Kyada.</p> <p><i>R</i> (K. Ramamoorthy) Member (A)</p> <p><i>(N. B. Patel)</i> Vice Chairman</p> <p>SS</p>

Date	Office Report	ORDER
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15/2/95

As the Hon^{ble} Vice Chairman is not available, adjourned to 2/3/95.

R
(K. Ramamoorthy)
Member (A)

ssh*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 362 OF 92
T.A. No.

DATE OF DECISION 2.3.1995

Shree Hansraj

Petitioner

Mr.G.M. Shah

Advocate for the Petitioner(s)

Versus

Union of India and Anrs.

Respondent

Mr. Kyada

Advocate for the Respondent(s)

CORAM :

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgement ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
- No

Shree Hansraj
S/o Shree Devaji,
Residing at Dhundhia Vadi,
Sukhbag Road,
Near Ambaji Mandir,
Palanpur,
Dist. Banaskantha.

.. Applicant

(Advocate Mr. G.M. Shah)

Versus

The Union of India,
Through :
The General Manager,
Western Railway,
Churchgate,
Bombay - 400 001.

.. Respondent

(Advocate Mr. Kyada)

Dt. 2.3.1995

D.A. 362/92

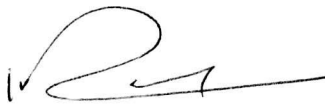
ORAL ORDER

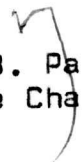
Per : Hon'ble Mr. N.B. Patel, Vice Chairman

It is stated by Mr. Kyada that some two vacancies in the post of Pipe Fitter Khalasi are likely to arise in near future and the applicant will be called for trade test for promotion against one of the said vacancies, ~~if he passes the trade test~~. On behalf of the applicant, Mr. Shah states that the applicant will appear for the trade test without prejudice to his contention that he is not liable to appear again for such test as he had passed the same in the past. He further states that the suggestion is acceptable to the applicant without prejudice to his further contention regarding the date from which he is entitled to claim benefits of promotion to the post. Mr. Kyada states that it is

hoped that the trade test formalities for the applicant will be completed latest by April, 1995. It will be open to the applicant to represent to the respondents regarding his claim of appropriate seniority on his promotion as Pipe Fitter Khalasi, after his passing of the trade test, also.

2. In view of the above statements made by Mr. Kyada, Mr. Shah seeks permission under instructions of the applicant who is personally present in the court room, to withdraw the present OA with liberty to agitate the above contentions (without prejudice to which the applicant has accepted the suggestion) provided any grievance remains for the applicant to ventilate after the trade test and the result thereof and the consequent action in respect of his promotion. Permission granted with liberty as prayed for. OA stands disposed of as withdrawn. No order as to costs.


(K. Ramamoorthy)
Member (A)


(N.B. Patel)
Vice Chairman

sr