

promotion

**IN THE CENTRAL ADMINISTRATIVE TRIAUNAL**  
**AHMEDABAD BENCH**

O.A. No. 372 OF 1992.  
~~XXXXXX~~

DATE OF DECISION 24th Sept. 1992.

Shri B.G.Rathod. Petitioner

Shri M.M.Xavier,  
Shri K.K.Shah Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

Shri R.M.Vin. Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. N.V.Krishnan : Vice Chairman

The Hon'ble Mr. R.C.Bhatt : Judicial Member

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 ?

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Shri B.G.Rathod,  
Office Supdt.,  
DRM Office,  
Bhavnagar.

...Applicant.

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

vs.

1. Union of India,  
Notice to be served through,  
The General Manager,  
Western Railway,  
Churchgate,  
Bombay.

2. The Divisional Railway Manager(E),  
Divl. Office,  
Bhavnagar Para.

...Respondents.

( Advocate : Mr.R.M.Vin )

O R A L J U D G M E N T  
O.A. NO. 372 OF 1992.

Dated : 24th Sept. 92

Per : Hon'ble Mr.N.V.Krishnan : Vice Chairman

Heard Mr.K.K.Shah, learned counsel for the applicant and Mr.R.M.Vin, learned counsel for the respondents. The learned counsel for the respondents has filed a reply to the original application with a copy <sup>u</sup> of which also been served on the learned counsel for the applicant. The learned counsel for the respondents submitted that the interim ~~order~~ issued on 10.09.1992, may be vacated and he addressed, <sup>us</sup> ~~as~~ at length in this regard.

2. We pointed out that we are unable to ~~comprehend~~ comprehend how, when the applicant had already been promoted on an ad hoc basis by the order dated 10.8.1992, (Annexure A-2) which has admittedly been given the effect to, that promotion can be kept <sup>u/ date 3.9.92</sup> in abeyance by the Annexure-A order. It was put to the learned counsel for the respondents that the Annexure-A order is incapable of implementation in any circumstance. He was unable to satisfy us on this ~~score~~ ~~record~~. He stated that the intention was that the ~~reverted~~ applicant should be ~~rushed~~. If so, the proper course was to pass such an explicit order. The impugned order carries no meaning.

3. In this view of the matter, we felt that this application could be disposed of, finally at this stage itself. We are firmly of the view that the Annexure-A order has no legs to stand. That order is quashed. We make it clear that, it is open to the parties to take such further action as is available to them under law. Application is disposed of accordingly.

  
( R.C.Bhatt )  
Member (J)

  
24/9/92

( N.V.Krishnan )  
Vice Chairman  
24-09-1992.

OA/ST/140/92

ગુજરાત-૪૨

In The High Court of Gujarat at Ahmedabad.

C. A. T.

OA/357/92

Appeal No. .... of 198 ,  
Application

Shri Pasabhai N.

Appellant  
Applicant



versus

union of India &  
others.

Respondent  
Opponent

I Appellant/Respondent/Applicant/Opponent above named do hereby appoint

4 day

Mr. Madhukumar M. Shastri, B.A., LL.B., Bar-at-Law, to act, appear and plead for

me in the above matter.

In witness whereof I We have set my our hand to this writing as under.

This ..... 9th day of April ..... 1982

Accepted

Signature

aiday m. shastri

X M. M. SHASTRI

aiday m. shastri  
Advocate, High Court

MADHUKUMAR M. SHASTRI

14, Narayan Park,  
Near H. L. Commerce College,  
Near Bank of Baroda,  
Navrangpura, Ahmedabad-9,

Shri B.G.Rathod,  
Office Supdt.,  
DRM Office,  
Bhavnagar.

...Applicant.

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

Vs.

1. Union of India,  
Notice to be served through,  
The General Manager,  
Western Railway,  
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2. The Divisional Railway Manager(E),  
Divl. Office,  
Bhavnagar Para.

...Respondents.

( Advocate : Mr.R.M.Vin )

O R A L J U D G M E N T  
O.A. NO. 372 OF 1992.

Dated : 24th Sept. 92

Per : Hon'ble Mr.N.V.Krishnan : Vice Chairman

Heard Mr.K.K.Shah, learned counsel for the applicant and Mr.R.M.Vin, learned counsel for the respondents. The learned counsel for the respondents has filed a reply to the original application with a copy of which also been served on the learned counsel for the applicant. The learned counsel for the respondents submitted that the interim order issued on 10.09.1992, may be vacated and he addressed as at length in this regard.

2. We pointed out that we are unable to ~~comprehend~~ comprehend how, when the applicant had already been promoted on an ad hoc basis by the order dated 10.8.1992, Annexure A-2, which has admittedly been given the effect to, that promotion can be kept in abeyance by the Annexure-A order. It was put to the learned counsel for the respondents that the Annexure-A order is ~~inexplicable~~ incapable of implementation in any circumstance. He was unable to satisfy us on this record. He stated that the intention was that the applicant should be rushed. If so, the proper course was to pass such an explicit order. The impugned order carries no meaning.

3. In this view of the matter we felt that this application could be disposed of, finally at this stage itself. We are firmly of the view that the Annexure-A order has no legs to stand. That order is quashed. We make it clear that, it is open to the parties to take such further action as is available to them under law. Application is disposed of accordingly.

( R.C.Bhatt )  
Member(J)

( N.V.Krishnan )  
Vice Chairman

AIT

Draft for approval please.

ORAL ORDER

O.A. 372/92

Dt: 24.9.92

Per: Hon'ble Mr. N. V. Krishnan, Vice Chairman.

*for [unclear]*

Heard Mr. K. K. Shah, learned counsel for the applicant and Mr. R. M. Vin, learned counsel for the respondents. The learned counsel for the respondents has filed a reply to the original application with a copy of which also been served on the learned counsel for the applicant. The learned counsel for the respondents submitted that the interim order issued on 10.9.1992 may be vacated and he addressed/ at length in this regard.

2. We pointed out that we are unable to comprehend how, when the applicant had already been promoted on ~~an~~ order ad hoc basis by the dated 10.8.1992, Annexure A-2,

which has admittedly been given the effect to, that promotion can be kept in abeyance by the Annexure A order. It was put to the learned counsel for the respondents that the Annexure A order, incapable of implementation in any circumstances. *He was unable to satisfy /*

3. In this view of the matter we felt that this application ~~can~~ be disposed of, at this stage itself, because ~~we~~ are firmly of the view that the Annexure A order has no ~~leg~~ to stand. *That order is quashed.* ~~we make it~~ ~~so~~ ~~clear~~ It is clear that, it is open to the ~~parties~~ to take such further action as is available to them ~~as~~ required under law. Application is disposed of accordingly.

*us on this score. He stated that the intention was that the applicant should be served of the proper course so, the proper course was to pass such an explicit order. The only if not order, the court is no proceeding. The court is no proceeding.*