

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Revision of
seniority

O.A. No.
~~P.A. No.~~

463 of 1992.

DATE OF DECISION 27/04/1993.

Shri Anantrai M. Dave Petitioner

Party in person Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

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

CORAM :

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

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 ?

No.

Shri Anantraï M.Dave
II-34, Manibhai Park,
Sayajipura,
Ajwa Road,
Near High-way crossing,
Vadodara - 390 019.

...Applicant.

(Party in Person)

Versus

1. General Manager,
Railway Electrification,
Allahabad - 211 001.
2. Chief Project Manager,
Railway Electrification,
Pratapnagar,
Vadodara - 390 019.

...Respondents.

(Advocate : Mr.N.S.Shevde)

ORAL ORDER

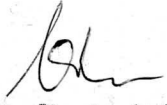
O.A.no. 468 of 1992.


Dated :27/04/1993.

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






The applicant is not present. Last time also the
applicant was not present. ~~Today also he is not present.~~

Dismissed for default. No order as to costs.


(M.Radhakrishnan)
Member (A)


(N.B.Patel)
Vice Chairman

AIT

DATE	OFFICE REPORT	ORDER
6/9/1993		<p>At the request of Mr.N.S.Shevde, adjourned to 7/9/1993.</p> <p> (V.Radhakrishnan) Member (A)</p> <p> (N.B.Patel) Vice Chairman</p>
7/9/1993	<p><u>Resp Sub.</u></p> <p>Am date is amended. Reply Rejoinder not filed.</p> <p> 28/9/93</p>	<p>Reply filed by Mr.N.S.Shevde on behalf of Respondent No.2 be taken on record. At his oral request, Mr.Shevde is permitted to correct the date "1.1.1984" mentioned on page 3 of the reply, so that the said date may read as "8.4.1988". Adjourned to 21.9.1993 for filing rejoinder.</p> <p> (V.Radhakrishnan) Member (A)</p> <p> (N.B.Patel) Vice Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 468/92
T.A. No.

DATE OF DECISION 21-9-93

Shri Anantrai Dave Petitioner

Party in Person Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Advocate for the Respondent(s)

CORAM :

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

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 ?
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4. Whether it needs to be circulated to other Benches of the Tribunal ?

NO.

Shri Anantraai Dave
 II-34, Manibhai Park,
 Sayajipura, Ajwa Road,
 Near High way Crossing,
 Vadodara

Applicant.

(Party- In-Person)

Versus

1. General Manager
 Railway Eletrification
 Allahabad.
2. Chief Project Manager,
 Railway Electrification
 Prapapnagar, Vadodara

Respondents

Advocate

ORAL JUDGEMENT

In

O.A. 468 of 1992

Date: 21-9-93.

Per Hon'ble

Shri N.B. Patel

Vice Chairman.

Rejoinder filed by the applicant Mr. Dave, may be taken on record. We have heard the applicant Mr. Dave, Party in Person, at length. He concedes that he had earlier filed O.A. 244/90 seeking substantially the same relief against the present respondent which he has claimed in the present O.A. . He also admits that he had withdrawn the said O.A. 244/90 in June 1991. We have perused the order by which O.A. 244/90 was permitted to be withdrawn and we find nothing

therein to show that the withdrawal was conditional and with liberty to file ^{fresh} ~~other~~ application for the same subject-matter. On the contrary, the order permitting withdrawal, apparently shows that it was unconditional withdrawal.

Mr. Dave, states that, in fact, the withdrawal was not unconditional inasmuch as somebody on behalf of the respondents had given him assurance that he would also be given seniority on the basis of his length of service in the Parent Department. It is not clarified as to who actually had given such an assurance to Mr. Dave, on behalf of the respondents and, even if anybody had given him such an assurance, whether that person had authority to give him such an assurance. Mr. Dave, further states that one of the factors which ^{led} ~~lead~~ him to withdraw O.A. 244/90 was the view expressed by the Tribunal that his grievance ventilated in O.A. 244/90 would be looked into while deciding O.A. 718/88, filed by him and which was then pending. Mr. Dave, states that the assurance given to him on behalf of the respondents has not come true inasmuch as his grievance is still not removed. He further states, that the Tribunal, did not grant him prayer for revision of his pay in Railway Electrification Organisation, on the ground that the applicant had claimed the same relief in O.A. 244/90. Thus according to Mr. Dave, even the Tribunal, though earlier it had expressed the view that the grievance agitated by him in O.A. 244/90, would be looked into in O.A. 718/81 did not ^{in fact} ~~infact~~ do so while disposing of the O.A. 718/81. Even assuming that Mr. Dave, was actuated in withdrawing the O.A. 244/90 by the alleged assurance given to him on behalf of the respondents and the view allegedly expressed by the Tribunal, we are clearly of the opinion that the remedy open to Shri Dave, is to ask for

revival of O.A. 244/90 on the basis that the assurances which were given to him and because of which he had withdrawn O.A. 244/90 have not been kept by the respondents. So far as the present Application is concerned, it is both grossly belated and it is also barred by reasons of the fact that the applicant had earlier filed O.A. 244/90, substantially claiming the same relief. We, therefore, summarily reject this application.



(V. Radhakrishnan)
Member (A)



(N.B. Patel)
Vice Chairman.

*AS.