

BU

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

NO  
Regularisation  
of Appointment

O.A. No. 516/92  
T.A. No.

DATE OF DECISION 6-1-1993

Paschim Railway Karmchari Petitioner  
Parishad.

Shri P.F. Makwana Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

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

CORAM :

The Hon'ble Mr. N.V. Krishnan

Vice Chairman.

The Hon'ble Mr. B.S. Hegde

Member (J)

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 ?

1. Paschim Railway Karmachari Parishad,  
(through Shri Balakrishna Sharma,  
Divisional Secretary) 209-E,  
Sarvottam Nagar, Nr. Railway Colony  
Sabarmati, Ahmedabad.

2. Dayachand Hukam Chand

Applicants

Advocate

Shri P.F. Makwana

Versus

1. Union of India,  
(Notice to be served on  
the General Manager, Western  
Railway Headquarters, Churchgate,  
Bombay)

2. The Chief Engineer (Construction)  
Western Railway,  
IInd Floor, Ahmedabad Railway  
Station Building, Ahmedabad.

Respondents.

Advocate

Shri N.S. Shevde.

### ORAL JUDGEMENT

In

O.A. 516 of 1992

Date; 6-1-1993.

Per Hon'ble

Shri N.V. Krishnan

Vice Chairman.

Shri P.F. Makwana, Advocate for the applicant.

Heard.


2. We notice that in respect of the alleged grievance of the applicants, conciliation proceedings had been started but, as is clear from the Annexure A-1 Report on Conciliation dated 15-7-1992 by the Asst. Labour Commissioner, the applicant, did not press the conciliation

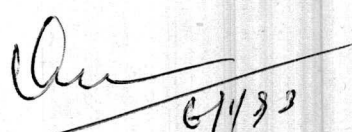
proceedings so as to enable them to approach this Tribunal for relief. The grievance of the applicants is that though vacancies exist, the respondents have not taken action to absorb them as contemplated in the Annexure A circular of the Railways dated 23-12-1988 followed by the reminder dated 4-9-1988.

3. The employees who have grievance in this regard are mentioned in Annexure A-2. They have not taken up individually their cases with the respondents. It is clear from the averments <sup>made</sup> ~~taken~~ in the application that they have not exhausted the remedy of representation which is necessary in a matter like this.

4. When this was pointed out, the learned Counsel for the applicant sought permission to withdraw the application to enable the concerned applicants to submit representations to the respondents.

5. Therefore, the applicants are permitted to withdraw the application on the above terms.

  
(B.S. Hegde)  
Member (J)

  
(N.V. Krishnan)  
Vice Chairman

\* AS.



1. Paschim Railway Karmachari Parishad,  
( through Shri Balakrishna Sharma,  
Divisional Secretary) 209-E,  
Sarvottam Nagar, Nr. Railway Colony  
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Respondents.

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### ORAL JUDGEMENT

In

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Per Hon'ble

Shri N.V. Krishnan

Vice Chairman.

Shri P.F. Makwana, Advocate for the applicant

Heard.


2. We notice that in respect of the alleged grievance of the applicants, conciliation proceedings had been started but, as is clear from the Annexure A-1 Report on Conciliation dated 15-7-1992 by the Asst. Labour Commissioner, the applicant did not press the conciliation

~~proceedings~~ proceedings so as to enable them to approach this Tribunal for relief. The grievance of the applicants is that though vacancies exist the respondents have not taken action to absorb them as contemplated in the Annexure A circular of the Railways dated 23-12-1988 followed by the reminder dated 4-9-1988.

3. The employees who have grievance in this regard are mentioned in Annexure A-2. They have not taken up individually their cases with the respondents. It is clear from the averments taken in the application that they have not exhausted the remedy of representation which is necessary in a matter like this.

4. When this was pointed out the learned Counsel for the applicant sought permission to withdraw the application to enable the concerned applicants to submit representations to the respondents.

5. Therefore the applicants are permitted to withdraw the application on the above terms.

  
(B.S. Hegde)  
Member (J)

(N.V. Krishnan)  
Vice Chairman

\* AS.