

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

*NO
Contempt*

C.A. 38/92

O.A. No. 65/92
T.A. No.

DATE OF DECISION 20-4-1993

Smt. V.L. Bhatt

Petitioner

Shri B.B. Gogia

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Shri R.M. Vin

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

1. Smt. Vijaygauri L. Bhatt
Widow of late Shri L.R. Bhatt
who was working as Station Master
at Jetalsar on Bhavnagar Division
of Western Railway

Address : Bheedbhajan Mandir,
Supedi,
Taluka Dhoraji
Dist. Rajkot

2. Shri Dinesh L Bhatt
S/o late Shri L.R. Bhatt
Bheedbhajan Mandir, Supedi,
Taluka Dhoraji, Rajkot Division.

Applicants

Advocate Shri B.B. Gogia

Versus

1. Union of India,
Owing and Representing
Western Railway, Through: *Shri P. E. V. Vaitheswaran*
General Manager, Western Railway,
Chruchgate, Bombay 400 020

2. The Joint Director,
Executive Director
Shri T.N. Viz
Establishment (D&A)
Ministry of Railways,
(Railway Board)
New Delhi 110 001

3. The Divisional Railway Manager
Shri Raibahabur
Western Railway,
Bhavnagar Division,
Bhavnagar Para

Respondents

Advocate Shri R.M. Vin

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

In

C.A. 38/2 in O.A. 65/ 1992

Date: 20-4-1993

Per Hon'ble Shri N.B. Patel Vice Chairman

Heard Shri Gogia and Shri Vin. It appears

from the reply filed by the Railway Administration that the only ground on which the applicant no.2's request for compassionate appointment was rejected was that, earlier, appointment was offered to his brother and he did not accept it. In this connection, it may be pointed out that if the concerned authority had read the entire order dated 31.3.1992, passed by the Tribunal in O.A./65/92, it would have been clear to the said authority that the view of the Tribunal was that, in the circumstances of the case, there was no bar against considering compassionate appointment of the applicant as the offer of the appointment to the brother of the applicant had fallen through because of the death of the said brother of the applicant and not because of the renouncement of the offer by him. Therefore, the respondents are once again directed to consider the request of the applicant no.2 and to give him compassionate appointment within a period of three months from the date of the receipt of a copy of this order, if the applicant no.2 is otherwise eligible for the same. In the circumstances of the case we find that it is not necessary to pursue the Contempt Application any further. We hope that now, the matter is clarified, as ~~now~~ the aforesaid direction given by the Tribunal will be complied with within the stipulated period. The application stands disposed of accordingly. Notice discharged. No order as to costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

DATE	OFFICE REPORT	ORDER
15-9-93		<p>At the request of Mr. Vin, adjourned to 21-9-93.</p> <p><i>VR</i> (V. Radhakrishnan) Member (A)</p> <p><i>NP</i> (N.B. Patel) Vice Chairman.</p> <p>*AS.</p>

MA 478/93 In C.A 58/92 in O.A. 65/92

DATE	OFFICE REPORT	CHIEF
21-9-93		<p><u>M.A. 478/93 In C.A. 58/92 in O.A. 65/92</u></p> <p>Mr. Vin, states that grant of relaxation falls within the purview of the Railway Board and the matter is already referred to the Railway Board but it will take some time for the Railway Board to decide the matter. Since the reference is already made, we grant two month's extension to the respondents to comply with our judgement dated 31-3-1992. M.A. stands disposed of accordingly.</p> <p><i>VR</i></p> <p>(V. Radhakrishnan) Member (A)</p> <p>7 (N.B. Patel) Vice Chairman.</p> <p>*AS.</p>

DATE	OFFICE REPORT	COURT
21-9-93		<p><u>M.A. 478/93 In C.A. 58/92 in O.P.A? 65/92</u></p> <p>Mr. Vin states that grant of relaxation falls within the purview of the Railway Board and the matter is already referred to the Railway Board but it will take some time for the Railway Board to decide the matter. Since the reference is already made we grant two month's extension to the respondents to comply with our judgement dated 31-3-1992. M.A. stands disposed of accordingly.</p> <p>(V. Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman.</p> <p>*AS.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Application No. MA/478/93 of 199

Transfer Application No. _____ Old writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken and the case is ift for consignment to the Record Room (Decided).

Dated : 07/10/93

Countersigned :

Abdul 10-11-93
Section Officer/Court Officer

Sign. of the Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. Contempt 381 of 1992,

Transfer Application No. _____ Old W. Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 21/5/93

Countersigned :

Anuradha
26.5.93

Section Officer/Court officer

10/5/93
Signature of the Dealing
Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE • TITLE: Contempt 38/82 OF \$9

NAME OF THE PARTIES Govt. v. L. Bustt & anb.

VERSUS
U. S. & Co.

PART A B & C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE _____ OF \$19

NAME OF THE PARTIES _____

VERSUS

PART A B & C

Serial Number of the application CA/38/1992

I N D E X

Sl.No.	Date of paper or date of filing	Description of paper.	Part to which the paper belongs page No.	Remarks
1.	01/9/92	C.A.	A 1 to 6 B 1 to 6	
2.		Reply	A 7 to 11	
3.		Rejoinder	A 12 to 14	

(11)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

CONTEMPT APPLICATION NO:

/38/192

IN

ORIGINAL APPLICATION NO: 65 OF 1992

1) Smt. Vijaygauri L Bhatt,
 Widow of late Shri L. R. Bhatt,
 who was working as Station Master
 at Jetalsar on Bhavnagar Division
 of Western Railway,
 Address: Bheedbhajan Mandir,
 Supedi,
 Taluka Dhoraji,
 Dist. Rajkot

2) Shri Dinesh L Bhatt,
 S/o late Shri L.R.Bhatt,
 Bheedbhajan Mandir,
 Supedi,
 Taluka Dhoraji,
 Rajkot District

:: APPLICANT

versus

1) Union of India,
 Owning & Representing
 Western Railway,
 Through:
 General Manager,
 Western Railway,
 Churchgate,
 BOMBAY - 400 020

SHRI P-E-V. VAI THEEG SWARAN

2) The Joint Director, ^{EXECUTIVE} ~~DIRECTOR~~ SHRI T. N. VIZ
 Establishment (D&A),
 Ministry of Railways,
 (Railway M^x Board),
 NEW DELHI - 110 001

3) The Divisional Railway Manager, SHRI RAI BAHADUR
 Western Railway,
 Bhavnagar Division,
 BHAVNAGAR PARA

:: RESPONDENTS

The applicants respectfully begs to submit as
 under:-

15/2/91

.....2.

The applicants had filed OA No.65/92 before this honourable tribunal ~~the~~ praying to declare that the letter dated 17.4.1989 from the Respondent No.3 and letter dated 14.6.1989 from the Respondent No.2 are illegal, ineffective and to direct the respondents to take immediate action for offering appointment to the Applicant No.2 on compassionate appointment in any suitable post commensurate with his educational qualifications from the date due with all consequential benefits.

2. The matter was heard by this honourable Tribunal on 31.3.1992. This honourable tribunal was pleased to direct the respondents to consider the question of appointment of applicant No.2 in any suitable post within four months from the date of receipt of the judgement. A copy of the judgement is annexed herewith as Annexure A/1. The order portion of the judgement is as under:-

" The application is partly allowed. The impugned order Annexure A/9 and Annexure A/10 are quashed and the respondents having authority to decide the question of appointment on compassionate ground may consider the question of appointment of applicant No.2 in any suitable post commensurate with his educational qualification, financial condition and the relevant rules of appointment and age. The respondents to decide the question of appointment of applicant No.2 on compassionate grounds within four months from the receipt of this judgement. The application is disposed of. No order as to costs.

3. The applicant submits that even though the period permitted by this honourable tribunal to decide the question of compassionate appointment to the applicant No.2 is already over, in sheet dis-regard to the directives given by this honourable Tribunal the Respondents have not taken action to decide the matter. The applicant therefore pray that punitive action may kindly be taken against the respondents for not caring to implement the orders of this tribunal under the provisions of Contempt of Court Act.

Rajkot/Ahmedabad

Date: 19-8-92

1-9-92

1. Chaitali Bhatt (Applicant)

2. Bhatt (APPLICANT)

Through
my M.
C.B.B (Legal)

AFFIDAVIT

I, Dinesh L Bhatt, son of late Shri L. R. Bhatt, Applicant No.2 in the above Contempt Petition (Advocate) resident of Supedi, Taluka Dhoraji, Dist.Rajkot do declare on solemn affirmation that whatever is stated above is true and correct to the best of my knowledge and belief.

I declare the above on oath.

Rajkot/Ahmedabad

Date: 19-8-92

Bhatt
(DEPONENT)

Identified by
Shashi V.M.
(Advocate)

Filed by Mr... B.B. (Legal)
Learned Advocate for Petitioners
with second set & ~~third~~ copies
copies copy ~~served~~ / not served on the
other side

Solemnly affirmed before me by
Shri... Dinesh L. Bhatt.
who is identified by Advocate
Shashi V.M. Bhatt
who is known to me.

Rajkot,

Dt. 19/8/92

Clerk of the Court

Civil Judge (S. D.)

RAJKOT.

Submiftech.

The Appl. has been found in order
and it may be given to concerned
official for fixation of date.

Refuge
10/9/92

S.O. P. Mistry
10/9/92

DY Reg Tom
10/9/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

M.A. No. 33 of 1992

IN O.A. No. 65 of 1992
T.D.M.

DATE OF DECISION 31.3.1992

Shri Vijaygauri L. Bhatt & Petitioner
Shri Dinesh L. Bhatt

Shri B.B. Gogia Advocate for the Petitioners

Versus

Union of India & Ors Respondent

Shri R.M. Vin Advocate for the Respondent

COR/M :

The Hon'ble Mr. P.C. Bhatt

: Member (A)

The Hon'ble Mr. R. Venkatesan

: Member (A)

(5)

1. Smt. Vijaygauri L. Bhatt
Bheedbhajan Mandir,
Supedi,
Ta. Dhoraji,
Dist. Rajkot.

2. Shri Dinesh L. Bhatt,
S/o late Shri L.R. Bhatt,
Bheedbhajan Mandir,
Supedi,
Ta. Dhoraji,
Dist. Rajkot.

: Applicant

(Advocate : Shri B.B.Gogia).

VS.

1. Union of India, through
The General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.

2. The Joint Director,
Establishment (D & A),
Ministry of Railways,
(Railway Board)
New Delhi- 110 001.

3. The Divisional Railway Manager,
Western Railway,
Bhavnagar Division,
Bhavnagar Para.

: Respondents

(Advocate : Shri R.M. Vin)

O R A L - O R D E R

M.A. No. 33 of 1992

IN

O.A. No. 65 of 1992

Date : 31.3.1992

Per : Hon'ble Shri R.C. Bhatt

: Member (J)

Heard learned advocate Mr. B.B.Gogia for the
applicant and Mr. R.M. Vin for the respondents. This
application is filed by the widow and son of late
Shri L.R. Bhatt, praying that the order passed at

annexure A/9 dated 17.4.1989 and annexure A/10 dated

14.6.1989 passed by the respondents. The applicants

have prayed that the respondents be directed to give

suitable post commensurate with his educational qual-
ification.

The first hurdle in the way of the applicants

is about limitation. The applicants have filed M.A. No.

33 of 1992 for condonation of delay in filing this ori-

ginal application. Considering the fact that one Hitesh

Bhatt, the son of applicant no.1, who was given appoint-

ment died due to the disease of Tuberculosis and without

considering the averments made in the application, we

deem just and proper to condone the delay in filing the

application. Miscellaneous application is allowed.

Delay is condoned.

2. This application can be disposed of at the

admission stage. Learned advocate Mr. B.B. Gogia sub-

mitted that the deceased Shri L.R. Bhatt died in harness

on 21st April 1972 leaving behind him applicant no.1

the widow, applicant no.2 the son, and one other son

Shri Hitesh Bhatt. It is alleged in the application that

Hitesh Bhatt was considered for appointment but he

(64)

could not join duty and could not appear in medical test due to serious sickness from Tuberculosis and unfortunately he died thereafter. The applicant no. 2 thereafter requested the authority concerned to give him appointment, but his request is rejected. Learned advocate for the applicants submitted that having regard to the weak financial condition of the applicants, where even applicant no. 2 is not earning, the respondents may consider all the circumstances of the family, the educational qualification of applicant no. 2 and then may give appointment to applicant no. 2 on the post having regard to his educational qualification and rules applicable.

Mr. Vin, learned advocate for the respondents submitted that the deceased expired as back as in 1972 and after about 20 years the applicant no. 2 wants appointment on compassionate ground and that he is almost about 30 years old. He however submitted that the respondents keeping in mind about the eligibility of applicant no. 2, if at all, for appointment for any suitable post, would consider the case. In view of the above facts we find that there is some substance in the application to direct the res-

pondents to consider the question of applicant no.2

for appointment on compassionate ground as per rules.

Hence the following order :-

O R D E R

The application is partly allowed.

The impugned order annexure A/9 and annexure A/10, are quashed and the respondents having authority to decide the question of appointment on compassionate ground may consider the question of appointment of applicant no.2 in any suitable post commensurate with his education qualification, financial condition and the relevant rules of appointment and age. The respondents to decide the question of appointment of applicant no.2 on compassionate ground within four month from the receipt of this judgement. The application is disposed of. No order as to costs.

Sd/-

(R. Venkatesan)
Member (A)

Sd/-

(R.C. Bhakt)
Member (S)

*Kni.

True Copy
Copy of
Advocate

Attest
S. Venkatesan (A)
Member
T. C. T. Bhakt (S)
Member

IN THE CENTRAL ADM. TRIBUNAL,

AHMEDABAD

C.A. 38 OF 1992

in

O.A. 65 OF 1992

VIJAYAGAVRI b. BHATT & ANOTHER

vs

UNION OF INDIA AND TWO OTHERS.

The Railway Administration as represented by Resps. 1 to 3 do state as follows in reply to the applicants' application.

1. The application of contempt filed by the applicant is not according to law, misconceived and untenable.

2. The Railway Administration does not admit the truth or correctness of any statement, averment, allegation or contention set out in the application unless the truth or correctness of any one of them is expressly or specifically admitted herein.

3. At the outset it is submitted that the Respondent Railway Administration is a Statutory Authority and Resp. 1 to 3 are Statutory Officers and functionaries. They all have the highest regard for the judicial authorities including this Hon'ble Tribunal and they have always complied with their judgements and orders and continue to do so and will continue to do so in future. They can not think of defying any such judgements or orders. They have no personal interest in any matter or personal prejudice against any one.

.. 2 ..

Filed in Court
on 17/11/92
J
17/11

(S)

4. In this case, the copy of the judgement of this Hon'ble Tribunal in M. A. 33 of 1992 in O. A. 65 of 1992 appears to have been prepared only on 7-4-1992. The same was given to Shri R. M. Vin Advocate for the Respd. Rly. Administration sometime thereafter who sent it to Divl. Railway Manager (E) Bhavnagar and it was received for the first time on 25-5-1992. As the competent authority to decide the case was General Manager Bombay, the copy of the judgement was sent to him on or about 14.7.92, as in the meantime, the office of the Bhavnagar Division collected necessary papers etc. and prepared a detailed note.

5. The General Manager then examined and studied the case and gave his order on 22.10.1992. Annexed hereto and marked Annex. 'R' is a true copy of the said order. A copy of the said order was communicated to the Divl. Rly. Manager Bhavnagar. In terms thereof he communicated the said order to Shri Dinesh L. Bhatt, applicant No.2 by a letter dated 9.11.1992, a copy of which is annexed herewith and marked Annex. 'R/1'.

6. As the case of the second son of the deceased employee i.e. applicant No.2 Dinesh L. Bhatt did not come within the ambit of the existing provisions and guidelines, his case could not be considered for appointment on compassionate grounds and he has been informed accordingly.

7. In view of this, the order of this Hon'ble Tribunal is fully and substantially complied with. The small delay that is caused in passing the order Annex. 'R' is on account of delay caused in preparing and sending the notes of the case and collecting the papers by Bhavnagar Division to the General Manager. The Rly. Administration and the Respd. express regret for the same.

8. In view of the above, the notice for contempt be discharged.

On and behalf of Union of India

Assistant Personnel Officer
Western Railway
Bhavnagar Para.

Date: 16-11-1992.

16/11/92

I, SURAJ MAL MEENA AGED 38 yrs. - Hora

Assistant Personnel Officer, Western Railway, Bhavnagar Para do solemnly state and affirm that I am conversant with the facts and circumstances of the case and record pertaining hereto and as such I say that what is stated in paras 1 to 8 is true partly to my knowledge, partly to my information and partly to my belief and I believe the same to be true.

Assistant Personnel Officer
Western Railway
Bhavnagar Para.

Date: 16-11-1992.

16/11/92

Identified by me
P.V. Jani
(P.V.Jani)
Advocate

Solemnly affirmed before me
by SURAJ MAL MEENA
who is identified before me
by Shri P.V. Jani Advocate
whom I personally know.

W.M. Desai
Bhavnagar. Clerk of the Court
Dt. 16/11/1992. Dist. & Sess Court
Bhavnagar.



True Copy

Annex R.

(10)

WESTERN RAILWAY

No. E(E&T)890/60/1/BVP(807-89)

HQ's office
Churchgate
Date: 22.10.92.

To.
DRM (E) BVP.

Sub: Employment on compassionate ground Case of
Shri Dinesh s/o Late Shri L.R.Bhatt SM/JLR
expired on 21.4.72.

Ref: Sr DPO's D.O. letter No. E/890/12/84/III
Date: 16.9.92.

.....

In this connection it is stated that the case has
been examined in detail by the competent authority
(General Manager).

It is seen therefrom that the ex employee expired
on 21.4.72 and after that, on 6.1.79 the eldest
son Shri Hitesh was offered an appointment on
compassionate ground but he did not turn up for
his medical examination. Subsequently the request
was made for the 2nd child in the year 1983. This
request for considering the appointment of the
2nd child was not considered by the Rly Bd also.

In view of the above the request of the ward for
considering the appointment of the 2nd son has
not been agreed to as the same does not fall within
the purview of the existing instruction on the
subject.

Sd/-

TRUE COPY

For General manager (E).

सहायक काम के अधिकारी,
विचम रुद्र, भावनगर परा.

Asst. Personnel Officer,
W. Rly. - Bhavnagar Par

True Copy

Anneka R.

(10)

WESTERN RAILWAY

No. E(M&T)890/60/1/BVP(807-89)

HQ's office

Churchgate

Date: 22.10.92.

To.
DRM (E) BVP.

Sub: Employment on compassionate ground Case of
Shri Dinesh s/o Late Shri L.R.Bhatt SM/JLR
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.....

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been examined in detail by the competent authority
(General Manager).

It is seen therefrom that the ex employee expired
on 21.4.72 and offer that, on 6.1.79 the eldest
son Shri Hitesh was offered an appointment on
compassionate ground but he did not turn up for
his medical examination. Subsequently the request
was made for the 2nd child in the year 1983. This
request for considering the appointment of the
2nd child was not considered by the Rly Bd also.

In view of the above the request of the ward for
considering the appointment of the 2nd son has
not been agreed to as the same does not fall within
the purview of the existing instruction on the
subject.

Sd/-

For General manager (E).

TRUE COPY

लोक कानून के अधिकारी,
वर्षिम रुद्र, भावनगर परा.
Asst. Personnel Officer,
W. Rly. - Bhavnagar Par.

True Copy

BY REG. A.D.
WESTERN RAILWAY

Annexd. 8/1
11

No. E/890/8/12/84/III.

Divisional office.
Bhavnagar Para.
Date: 9.11.92

To:

Shri Dinesh L.BHatt.

near Bheedbhanjan ~~Mahadev~~ Mandir,
SUPEDI.

Pin. 360 440

Sub: Employment on compassionate ground :

Ref: 1. Judgement of CAT/ADI No.947/91.

2. Your application Dtd.22.6.92.

3. HQ office letter No.E(R&T)890/60/1/BVP(807-89)

Dtd.22.10.92.

With reference to the above subject your representation for ~~considering~~ your case for appointment on compassionate ground has been examined carefully by competent authority. It is found that the offer for appointment on compassionate ground was made to your eldest brother on 6.1.79 but he did not turn up.

True Copy
Subsequently, the case, giving the appointment in your favour in the year 1983 was also examined and the same was regretted after careful consideration. Accordingly, the competent authority has again examined your case for appointment on compassionate ground and regretted as the ~~same~~ is not coming within the purview of existing instructions on the subject.

Sd/-
DRM (E) BVP

Ass't Personnel Officer
W. Rly. - Bhavnagar Para

(12)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD.

CONTTEMPT APPLICATION No.38/1992

IN

ORIGINAL APPLICATION No: 65/1992.

(1) Smt. Vijayaguri L. Bhatt,
Widow of late shri L.R. Bhatt,
Station Master, Jetalsar,
of Bhavnagar Division of
Western Railway,
Add: Bhidbhanjan Mandir,
Supedi,
Tal: Dhoraji,
Dist: RAJKOT

(2) Dinesh L. Bhatt,
S/o Late shri L.R. Bhatt,
Add: Bhidbhanjan Mandir,
Vihil: SUPEDI,
Tal: Dhoraji,
Dist: RAJKOT.

::APPLICANT.

Versus

(1) Union of India,
Owning & Representing
Western Railway,
Through: General Manager, SHRI P.E. VAI THEESWARAN
Western Railway,
Churchgate,
BOMBAY

(2) The Joint Director/Executive Director,
Establishment(D&A),
Ministry of Railways,
(Railway Board),
'Rail Bhavan',
NEW DELHI : 110 001.

SHRI T.N. VIZ

(3) Divisional Railway Manager, SHRI S.R. BAHADUR,
Western Railway,
Bhavnagar Division,
BHAVNAGAR PARA

::RESPONDENTS.

REJOINDER IN AFFIDAVIT

1) I, shri Dinesh L. Bhatt, applicant in this case,
Adult, Occ: Unemployed, residing at Supedi, do hereby
file this rejoinder and say as under :-

...2...

Mr. B. B. G.
a/2
a/2

210

...2....

2) That I have been read over and explained contents of reply filed by the respondents. I do not admit the truth or correctness of any statements, averment, allegation or contention set out in the application unless, truth or correctness of any of them is expressly or specifically admitted herein.

3) The applicant submits that the respondents are ~~defying~~ ^{defying} the judgement and the directions of the hon'ble Tribunal in the case. In answer to para-4&5 the statements made ~~therein~~ are not correctly made. There is clear contempt of the directions of hon'ble Tribunal in carrying out the directions.

4) In reply to para 6 & 7, the statements made therein are incorrect and irrelavent. The contentions made therein ~~were~~ already taken in the original matter and ~~were~~ considered as submitted by the learned counsel of the respondents in the case. After considering the rival contentions of the parties, the hon'ble tribunal had partly allowed the petition, impugned order at Annexure A/9 and A/10 were quashed and the respondents having authority to decide ~~on~~ the question of ~~panish~~ appointment on compassionate ground, ~~were~~ directed to consider the question of appointment of applicant No.2 in any suitable commensurate with his educational qualification final condition with the relevant rules of appointment and age with further directions that the same be decided within 4 months ~~on~~ on receipt of the judgement.

...3...

Thus it may kindly be seen that the contentions which ~~are~~ now raised and the ground on which the appointment is denied was already considered and having been found that it was sufficient ground, the matter was partly allowed with the suitable directions as referred to above. The action of the respondents in denying the appointment constitutes intentional disobedience of the order and contempt of Court. The respondents are not authorised to set over the order of the hon'ble Court once their same contentions were examined earlier and not considered sufficient grounds in the matter.

The above facts are stated on ~~verificat~~ Oath.

Rajkot/
Ahmedabad.

Date: 13 -1-1993.

Bhatt

(Applicant.)

VERIFICATION AFFIDAVIT



I, Dinesh Bhatt, Son of shri Laxmishankar Bhatt, aged about 30 yrs, ~~work~~ unemployed, residing at Supedi, Dist. Rajkot do hereby ~~verific~~ that the contents of para 1 to 4 stated above are true and correct to my personal knowledge and that I have not suppressed any material fact.

Rajkot/
Ahmedabad.

Bhatt

(Applicant)

Date: 13 -1-1993

THROUGH:-

Identified by

(V. C. Kothari)
ADVOCATE

Solemnly affirmed before me by
Shri...Dinesh Laxmishankar
who is identified by Advocate
Shri....V. C. Kothari.....
who is known to me.

Rajkot.
Dt. 13/1/93

Esu
Clerk of the Court
Civil Judge, (S. D.)
RAJKOT.

✓

Reply/Regoinder/written submissions

Filed by Mr. B. B. Legge
earliest advocate for petitioner
Respondent ~~united~~

Copy served by ~~on other side~~

DL 9 12 193 Dy. Registrar C.A.
Abdul Bener

At Razvi

03/04/93
20/11/93
Diarised under
MA St. No 461 of 1883

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMED BAD

OA/TA/MA/RA/C.A. No.

MA/478/93 IN ^{CAT/38/92/53} OA/65/92

U O I - 2 O S S

APPLICANT(S)

MR. R. M. VEN

COUNSEL

VERSUS

Smt V. K. Bhatt &

Amg.

RESPONDENT(S)

COUNSEL

DATE	Officer Report	Orders
10/9/93	Extension of time for Compliance of order	<i>27/9/93</i> <i>28/9/93</i>

28/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT AHMEDABAD.

MISC. APPL. NO. 478 OF 1993

MAST h6193

IN

C. A. 38 OF 1992

IN

O. A. No. 65 OF 1992.

1. Union of India
 Owning and representing
 Western Railway, through
 the General Manager
 Western Railway
 Churchgate, Bombay - 400 020.

2. The Joint Director
 Executive Director
 Shri T.N. Vir, or his
 successor in office
 Establishment (D&A)
 Ministry of Railways
 (Railway Board)
 New Delhi - 110 001.

3. The Divisional Railway Manager
 Shri Rai Bahadur or his
 successor in office
 Western Railway
 Bhavnagar Division
 Bhavnagar Para
 Bhavnagar-364 003.

Applicants
 (original respondent)

V/s

1. Smt. Vijayagauri L. Bhatt
 Widow of late Shri L.R. Bhatt
 ex. Station Master
 at Jetalsar Station
 on Bhavnagar Division of
 Western Railway.

2. Shri Dinesh L. Bhatt
 s/o Late Shri L.R. Bhatt
 Both residing near
 Bheed Bhanjan Mandir Supedi
 Taluka Dhoraji
 Rajkot Division..

Opponents
 (original applicants).

APPLICATION FOR EXTENSION OF TIME FOR COMPLIANCE
 WITH THIS HON'BLE TRIBUNAL'S ORDER.

The humble application of the applicants abovenamed
 most respectfully sheweth:

1. That an order for considering the appointment of
 Resp. No. 2 was made in O.A. 65 of 1992.

2. That pursuant to the said order, the Respondents had filed an application being C. A. 38 of 1992 in O. A. 65/92 against the applicants on the ground that the order in O. A. 65 of 1992 was not complied with and carried out. That by an order dt. 20.4.1993. The bench of the Hon'ble Vice Chairman Shri N. B. Patel and Shri V. Radhakrishnan disposed of the said application by ordering and directing the present applicants to consider the request of the applicants No.2 and to give him an appointment within three months from the date of the receipt of the copy of the said order. Annexed hereto and marked Annex. 1 is a true copy of the said order.

3. The copy of the order was received in the office of the applicant No.3 on 31-5-93. As soon as the copy was received, the Railway Administration took active steps towards implementation of the order as per Annex. 1. The case was processed and the papers were submitted to General Manager (E) Bombay.

4. As per the extant Rules and procedure it is however found that it is not within the powers of the General Manager to sanction the appointment and it is only the Railway Board which can pass orders in the matter. Accordingly the matter is already referred to the Railway Board for relaxation of time limit with full details of the case. This process is likely to take some time and hence it is necessary and desirable and also in the interests of justice to extend time for implementation of the order as per Annex. 1.

5. In view of the above, the applicants pray -

(18)

- a) That this application be allowed.
- b) That at least two months extension be granted for implementation of order Annex. 1.
- c) That such other and further relief be granted or may be deemed just and proper in the facts and circumstances of the case.

And for this act of kindness and justice, the applicants shall ever pray.

Date: 6 -8-1993.

Assistant Personnel Officer
Western Railway
Bhavnagar Para.

.....
I, S. M. Meena (SARATMAI MEENA)
do

solemnly state and affirm that I am competent and authorised to make this affidavit. I am conversant with the facts and circumstances of the case and as such I say that what is stated in paras 1 to 4 above is true partly to my knowledge, partly to my information and partly to my belief and I believe the same to be true.

certified by
DKVJY
Advocate
Date: 6 -8-1993.

Assistant Personnel Officer
Western Railway
Bhavnagar Para.

.....
Solemnly affirmed before me
by... DKVJY Advocate
who is permitted before me
by Shri. DKVJY Advocate
whom I personally know.

Bhavnagar. Clerk of the Court
Dt. 18/8/93. Dist. & Sess Court
Bhavnagar.

Filed by Mr. A. M. Vin
Learned Advocate for Petitioners
with second set & N. 12. copies
copy served/not served to
other side

Dt. 18/8/93
Dy. Registrar C.A.T.O
Abad Beach
Bhavnagar

Submitted,

The Appl. has been
found in order & may be
placed before Hahlbe Beach
for necessary addess.

~~1019~~

80431 ~~count~~ may be placed in
order on 15/1/93
D.Y. Reg. C.I.D. ~~1019~~ 5039B