

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,
Chrchugate, 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

ORAL JUDGEMENT

In

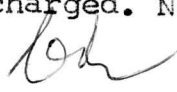
C.A. 38/2 in O.A. 65/ 1992


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} ~~pursue~~ the Contempt Application ^{that} any further. We hope that now ^{with} the matter is clarified, as ~~above~~ 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 data-bbox="622 280 1516 336">At the request of Mr. Vin, adjourned to 21-9-93.</p> <div data-bbox="622 336 973 481"> (V. Radhakrishnan) Member (A)</div> <div data-bbox="1212 336 1500 481"> (N.B. Patel) Vice Chairman.</div> <p data-bbox="638 492 718 537">*AS.</p>

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

DATE


OFFICE REPORT


ORDER

21-9-93

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

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.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman.

*AS.

DATE	OFFICE REPORT	ORDER
21-9-93		<p data-bbox="589 280 1332 324"><u>M.A. 478/93 In C.A. 58/92 in OPA? 55/92</u></p> <p data-bbox="589 369 1499 929">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> <div data-bbox="650 1008 1450 1086"> <div>(V. Radhakrishnan) Member (A)</div> <div>(N.B.Patel) Vice Chairman.</div> </div> <p data-bbox="650 1108 729 1153">*AS.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Application No. MA/478/93 of 199

Transrer 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 :

Chafar
10-11-93
Section Officer/Court Officer

Sign. of *[Signature]* 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 :

Ankur
26-5-93

Section Officer/Court officer

IC Bhargava

Signature of the Dealing
Assistant

INDEX SHEET

NAMES OF THE PARTIES Int. v. C. Buett & ans.

VERSUS C. O. T. & ans.

[illegible]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE _____ OF 19 .

NAMES OF THE PARTIES _____

VERSUS

PART A B & C

[illegible]

CA/38/1992

INDEX

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	

(1)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

CONTEMPT APPLICATION NO:

/38 /92

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. VAITHEESWARAN

- 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 RAIBAHADUR
Western Railway,
Bhavnagar Division,
BHAVNAGAR PARA

:: RESPONDENTS

The applicants respectfully begs to submit as
under:-

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:-

A/1

" 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

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 prays 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. 1. ગણેશભાઈ રાજે
(Applicant)

2. Bhattal
(APPLICANT)

Through my
C.B. (logia)
Advocate
Rajkot

AFFIDAVIT

I, Dinesh L Bhatt, son of late Shri L. R. Bhatt, Applicant No.2 in the above Contempt Petition 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

Bhattal
(DEPONENT)

Identified by
Shahid V.M.
(Advocate)

Filed by Mr...
Learned Advocate for Petitioner
with second set &...
copies copy served on the
other side

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

Rajkot,
Dt. 19/8/92
Clark of the Court
Civil Judge (S. D.)
RAJKOT.

Submittee.

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

W. J. M.
10/9/92

S. O. ~~Minister~~
10/9/92

~~Oy. Reg. *tenor*~~
10/9/92

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH.

M.A. No. 33 of 1992

IN O.A. No. 65 of 1992
Ex. No.

DATE OF DECISION 31.3.1992

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

Shri B.B. Gogia Advocate for the Petitioner

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
- 2 -
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,
Bhavanagar 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)

per
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 qualification.

The first hurdle in the way of the applicants

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

33 of 1992 for condonation of delay in filing this original application.

Considering the fact that one Hitesh

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

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 M. B.B. Cogia 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

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 applicant 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 :-

ORDER

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 com-
passionate ground may consider the
question of appointment of applicant
no.2 in any suitable post commensurate
with his education qualification, finan-
cial 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 10 months from the
receipt of this judgement. The applica-
tion is disposed of. No order as to costs.

Sd/-

(R.Venkatesan)
Member (A)

Sd/-

(R.C. Bharti)
Member (B)

*Eni.

*True copy
Advocate*

9

IN THE CENTRAL ADM. TRIBUNAL,

AHMEDABAD

C.A. 38 OF 1992

in

O.A. 65 OF 1992

VIJAYAGAVRI D. 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.

copy will be
served on
Mr. B. B. Chavla
R. M. V.
17/11/92.

Filed in Court
on 12-11-92


17/11

8

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.

"R"

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'.

"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

[Signature]
Assistant Personnel Officer
Western Railway
Bhavnagar Para.

Date: 16-11-1992.

I, SURAJ MAL MEENA AGED 38 yrs. - Hindu

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.

[Signature]
Assistant Personnel Officer
Western Railway
Bhavnagar Para.

Date: 16-11-1992.

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

Solemnly affirmed before me
By Surajmal Meena
who is identified before me
by Shri. P. V. Jani Advocate
whom I personally know.

[Signature]
Clerk of the Court
Dist. & Sess Court
Bhavnagar



True Copy

WESTERN RAILWAY

No.E(R&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/-

For General manager (E).

TRUE-copy

अहाबिक कार्यालय अधिकारी,
पश्चिम रेलवे, भावनगर परा.

Asstt. Personnel Officer,
W. Rly. - Bhavnagar Para

True Copy

WESTERN RAILWAY

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

HQ's office
Churchgate
Date:22.10.92.

To.
DRM (E) BVP.

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.....

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(General Manager).

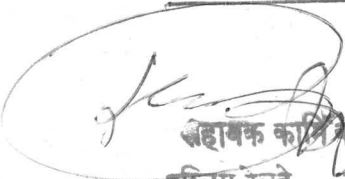
It is seen therefrom that the ex employee expired
on 21.4.72 and after that, on 6.1.79 the eldest
son Shri Hitesh was offered an appointment on
compassionate ground but he did not turn up for
his medical examination. Subsequently the request
was made for the 2nd child in the year 1983. This
request for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

TRUE-copy

Sd/-

For General manager (E).


जहाब कर्मा के अधिकारी,
बश्चिम रेलवे, भावनगर परा.
Asstt. Personnel Officer,
W. Rly. - Bhavnagar Para

True Copy

BY REG. A.D.
WESTERN RAILWAY

Annex. M

11

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

Divisional office.
Bhavnagar Para.
Date: 9.11.92

To:
Shri Dinesh L.Bhatt.
Near Bhreedbhanjan 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 consideration ~~in your~~ 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.

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

True Copy

Asst. Personnel Officer
B. Ry. - Bhavnagar Para

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD.

CONTEMPT 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,
Vill: SUPEDI,
Tal:Dhoraji,
Dist:RAJKOT.

::APPLICANT.

Versus

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

SHRI P.E.V.VAITHEESWARAN

(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,
Western Railway,
Bhavnagar Division,
BHAVNAGAR PARRA

SHRI S.R. BAHADUR.

::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...

Ms BBG
dE
a-2
2to

Recd 4/11/93
R. M. V.
20.1.93

0/24/93

...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 irrelevant. 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 ~~purish~~ 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 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 ~~verification~~. Oath.

Rajkot/
Ahmedabad.

Date: 13-1-1993.

Bhatt

(Applicant.)

VERIFICATION AFFIDAVIT

I, Dinesh Bhatt, Son of shri Laxmishankar Bhatt, aged about 30 yrs, ~~born~~ Occ: unemployed, residing at Supedi, Dist. Rajkot do hereby ~~declare~~ verify 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

(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.

✓
~~Copy/Rejoinder/written submissions~~

Filed by Mr. B.B. Bagla

learned advocate for ~~petitioner~~

~~respondent~~ ~~adversely~~

Copy served on other side

DI-9 12 193 By Registrar

A.H. Revol

A'bad Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT AHMEDABAD.

MISC. APPL. NO. 478 OF 1993

IN

C. A. 38 OF 1992

IN

O. A. No. 65 OF 1992.

MAST h61193

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.

V/s

Applicants
(original respondent)

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.

Copy of this
application
will
be sent to
applicants
advocate by
post
R. M. Viri -
13.8.93.

17

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 1

- 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.

[Signature]
Assistant Personnel Officer
Western Railway
Bhavnagar Para.

Date: 6 -8-1993.

.....

I, S. M. Meena *(SUKATMAL 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.

[Signature]
Identified by

[Signature]
Advocate

Date: 6 -8-1993.

[Signature]
Assistant Personnel Officer
Western Railway
Bhavnagar Para.

.....

Solemnly affirmed before me
by *[Signature]* meena
who is identified before me
by Shri. *[Signature]* Advocate
whom I personally knew.

Bhavnagar.
Dt. 6/8/93

Clerk of the Court
Dist. & Sess Court
Bhavnagar

Filed by Mr. *[Signature]*
Learned Advocate for Petitioners
with second set & *[Signature]* spares
copies copy served/not served to
other side

13/8/93
Dt. 1/1 Dy.Registrar C.A.T.(D)
Bhavnagar - A'bad Bench



Submitted,

The Appl. has been
found in order & may be
placed before Honble Bench
for necessary orders.

~~KP~~
~~1019~~ use

80 C/J — May be placed in
court I for
orders on 15/1/93

DY Reg. C/J ~~Mark~~
1019/13