

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

...

O.A. No. 369/93

Ahmedabad this the 17th day of June, 1998

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

HON'BLE MR. V. RAMAKRISHNAN, VICE CHAIRMAN

Shri G.L.Dave
T T I, CTI, Ahmedabad
C/o. Mr. M.S.Trivedi
Advocate
E-4, Shivani Apartment
B/H Sahjanand College
Ahmedabad- 380 015.

Applicant

(By Advocate Shri M.S.Trivedi)

Versus

1. Union of India, through
the General Manager, W. Rly.
Church Gate, Bombay.
2. The Divisional Rly.
Manager, Divisional Office
Pratapnagar, Baroda.

Respondents

(By Advocate Shri N.S. Shevde)

O R D E R

Hon'ble Mr. Justice K.M.Agarwal:

The applicants are employees and members of the
Ticket Checking Staff of the Western Railway. They
belong to general category of employees and filed the
present O.A., inter alia, for directing the respondents
Jm

"not to give promotions to S.C./S.T. employees to the higher post of category 1 & 2 over and (above) 15% and 7½% respectively fixed for them in accordance with the J.C.Malik's case".

2. The decision rendered by the Allahabad High Court in J.C.Malik v. Union of India, (1978), SLR 844 (All.) has been approved by the Supreme Court in R.K. Sabbarwal v. State of Punjab, (1995) 2 SCC 745 and, therefore, the learned counsel for the parties agreed that this O.A. deserved to be disposed of with directions as contained in a decision of this Tribunal in M.A. Dhatiwala v. Union of India, C.A. No. 372/95, decided on 30.11.1995.

3. Accordingly this O.A. is disposed of with a direction to the respondents "to re-examine the entire matter of seniority and promotion of the applicants and others similarly situated in the light of, and following, the recent decisions of the Supreme Court in Malik's case, Sabbarwal's case (ATR 1987 (2) CAT 71). and Virpal's case. The Respondents shall complete this exercise and issue orders, if necessary, within a period of 3 months from the date of the receipt of a copy of this judgement. If the decision aggrieves them, the applicants or any one of them, it will be open to them to seek legal remedy in that behalf". No costs.

4. It may be mentioned that if the entire Jm exercise has been done by the respondents pursuant to

similar directions made in the case of M.A.Dhantiwala (supra) and that no further steps are necessary to be taken in the present case, they shall inform the applicants accordingly within the period specified and the applicants, thereafter, shall be at liberty to challenge the decision so taken, if aggrieved and so advised.

Agarwal
17-6-58

(K.M.Agarwal)
Chairman

VRamakrishnan
17/6/1958
(V.Ramakrishnan)
Vice Chairman

pmr

DATE	OFFICE REPORT	ORDER
23.2.98		MR. Trivedi removes office objections today. Registry to give regular number. Adjourned to 12.3.98. <i>M</i>
		(V.Ramakrishnan) Vice Chairman
	vtc.	
12.3.98		Heard Mr. Trivedi on M.A. 171/98. Fix for final hearing on 15.6.1998. M.A. disposed of accordingly. <i>M</i>
		(V.Ramakrishnan) Vice Chairman
	vtc.	
15.06.98		Heard both sides. Reserved for orders. <i>V.Ram</i> <i>KM</i> (V. Ramakrishnan) (K.M. Agarwal) Vice Chairman Chairman
	hki	

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CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

Application No.

ca/369/93

of 19

Transfer application No.

Old Writ Pet. 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: 26/6/98

Countersigned:

Section Officer/Court Officer.

AM/Dee/ai
30/6/98


Signature of the
Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

CAUSE TITLE

~~071369193~~

NAME OF PARTIES

Shri G. L. Daves

VERSUS

6.02 Ron

SR NO	DESCRIPTION OF DOCUMENTS	PAGE
	Copy	1 - 55
	Reply	56 - 57
	Regrinder	58 - 73
	mt/201/93	74 - 83
	Reply	84 - 86
	Co Statement	87 - 92
	mt/121/93	93 - 95
	Order dtd 17/6/93	