

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 658/93
TExAENO.

DATE OF DECISION 11.8.97

Shri Challumuthu Thannapal **Petitioner**

Mr.Sailesh Parikh **Advocate for the Petitioner [s]**
Versus

Union of India & Ors. **Respondent**

MR.A.S.Kothari **Advocate for the Respondent [s]**

CORAM

The Hon'ble Mr. V.Radhakrishnan: **Member (A)**

The Hon'ble Mr. T.N. Bhat : **Member (J)**

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Challumuthu Thannapal
B.G.Loco Shed,
Hutments Area,
Gandhidham.

.... Applicant.

(Advocate : Mr.Sailesh Parikh)

VERSUS

1. Union of India,
through: The General Manager,
Western Railway,Churchgate,
BOMBAY.

2. Divisional Manager,
Western Railway,
AJMER.

3. Asstt.Engineer,
Western Railway,
Engg.Deptt.
GANDHIDHAM.

4. Permanent Way Inspector
B.G. (W.Rly.Engg.Deptt),
GANDHIDHAM.

.... Respondents.

(Advocate: Mr.A.S.Kothari)

O R A L O R D E R

Date: 11.8.97

In

OA/658/93

per: Hon'ble Shri V.Radhakrishnan : Member(A)

Mr.Kothari, counsel for the respondent is present.
Neither the applicant, nor his counsel is present.
Dismissed for non prosecution.


(T.N. Bhat)
Member (J)


(V.Radhakrishnan)
Member (A)

nPM

Mr. Shailesh Parikh for the applicant is present. None present for the respondents.

Being a Division Bench matter, adjourned to 11.8.1997.

VR
(V. Radhakrishnan)
Member (A)

9.10.97

R/Sub
Obj have been completed
with a copy of order filed.
Lt. Adv. has prayed to
dispense with affidavit.
If approved, M.A. will be
registered and placed
before the Hon'ble Bench.
Place on 13-11-97

DR/J

Notice issued
on 19-11-97

RPA to be received

RP
15/12/97

Two weeks time is given to the
applicant to remove the office objections
in M.A.

DR/J
(T. N. Bhat)
Member (J)

VR
(V. Radhakrishnan)
Member (A)

npm

Mr. Shailesh Parikh learned counsel for the applicant is present. There is a leave note of Mr. A. S. Kothari. We have heard Mr. Shailesh Parikh and have gone through the contents of the M.A. for restoration of the O.A. It discloses sufficient ground for restoration. Accordingly the M.A./833/97 is allowed and the O.A. is restored to its original position. List the O.A. for final hearing on 18.12.97. Notice may be sent to Mr. A. S. Kothari about the fixing of the date of final hearing.

DR/J
(T. N. Bhat)
Member (J)

VR
(V. Radhakrishnan)
Member (A)

ait.

Office Report

18.12.97

At the request of the
counsel for Mr. Parikh,
is adjourned.

Sharad Pandit &
Sh. Parikh, the 18.
12.1997.

(P.C.)

Mer 359/98

(V.Radhakrishnan)

Member (A)

np

other

As the learned Member of
the Bench is not available,
the matter is adjourned
to 26/3/98.....

by
(T. N. Bhat)
Member (J)

26.3.98

Notice issued
on 30-3-98
RTA awaiting
P&AD Date & No. 2
22448

Mr. Shailesh Parikh is present.

The respondents are directed to nominate
alternate counsel in place of Late Mr.
A.S. Kothari.

Adjourned to 22.04.1998.

On

(P.C. Kannan)

Member (J)

(V.Radhakrishnan)

Member (A)

npm

22.4.98

At the request of Mr. Parikh, applicant's
counsel, adjourned to 9.7.1998.

On
(P.C. Kannan)

Member (J)

On
(V.Radhakrishnan)

Member (A)

npm

DM

OFFICE REPORT.

O.A.658/93

CR D E R

9-7-98

Time being over, adjourned to 14-9-98.

(C.M. 7.98
(T.M. 2.98)

DR
(P.C.Kannan)

Member (J)

DR
(V.Radhakrishnan)

Member (A)

*SSN

14.9.98

As the Division Bench is not available today in Court II. Hence adjourned to 5.11.98.

DATES

OFFICE REPORT

DR
(P.C.Kannan)
Member (J)

5.11.98

Being a Division Bench matter, adjourned to 31.12.98.

31.12.98

Mr.Sailesh Parikh counsel for the applicant is not present. Adjourned to 10.3.99.

(A.M. 10.3.99)
(T.M. 10.3.99)

OFFICE REPORT

DR
(P.C.Kannan)
Member (J)

DR
(V.Radhakrishnan)
Member (A)

nkk

10.3.99 As the Division Bench is not available, adjourned to 13.5.99.

DR
(P.C.Kannan)
Member (J)

(A.S.Sanghavi)
nkk

13.5.99 Issue notice to the respondents to nominate alternative counsel in place of ~~Mr.~~ Late ~~Mr.~~ Kothari. Respondents are directed to do so without further loss of time. Adjourned to 22.7.99.

AS
(A.S.Sanghavi)
Member (J)

VR
(V.Radhakrishnan)
Member (A)

nkk

22-7-99 Being a Division Bench matter, adjourned to 27-9-99.

AS
(A.S.SANGHAVI)
MEMBER (J)

(A.S.Sanghavi)
(A) nkk
ss

22

27.9.99

Mr. Shailesh Parikh is not present.
Sick-note filed by Mr. Handa. Adjourned to 26.10.99.

DR
(P.C. Kannan)
Member (J)

VR
(V. Radhakrishnan)
Member (A)

Pt

DATE	कोर्यालय टिप्पणी OFFICE REPORT	आदेश ORDER
24.4.2000		At the request of Mr. Shevde, adjourned to 19.5.2000.
	As the learned member of the Bar was not available, the matter was adjourned to 14.6.2000.	<i>DK</i> (P.C. Kannan) Member (J)
14.06.2000	<i>AS</i> Acct	Heard. Order dictated. <i>SPS</i> (M. P. Singh) Member (A) <i>DK</i> (P. C. Kannan) Member (J)

तारीख DATE	कार्यालय टिप्पणी OFFICE REPORT	आदेश ORDER
26.10.99		<p>None present for the parties. Adjourned to 8.12.99.</p> <p><i>Am</i> <i>Ad</i></p> <p>(P.C.Kannan) Member (J) (V.Radhakrishnan) Member (A)</p>
8.12.99		<p>nkk</p> <p>Division Bench matter. Adjourned to 4.2.2000.</p> <p><i>Am</i> <i>Ad</i></p> <p>(A.S.Sanghavi) Member (J) (V.Radhakrishnan) Member (A)</p>
4.2.2000		<p>nkk</p> <p>Mr.Handa has filed a leave note. Adjourned to 19.4.2000.</p> <p><i>Am</i> <i>Ad</i></p> <p>(P.C.Kannan) Member (J) (V.Radhakrishnan) Member (A)</p>
19.4.2000		<p>nkk</p> <p>XXXXXX</p> <p>Mr. Shailesh Parikh, for the applicant absent. Mr. Handa, for the respondent seeks time to obtain instructions. Adjourned to 24.4.2000.</p> <p><i>Am</i> <i>Ad</i></p> <p>(A.S. Sanghavi) Member (J)</p> <p>Pkn</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

OA/658/93

Date of Decision: 14.06.2000

Shri Challamuthu Thannapai : Petitioner (s)

Mr. Sailesh Parikh : Advocate for the petitioner(s)

Versus

Union of India & Ors. : Respondent(s)

Mr. P. K. Handa : Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. C. KANNAN : MEMBER (J)

The Hon'ble Mr. M.P.SINGH : MEMBER (A)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

ND.

DR

Challamuthu Thannapal
B. G. Loco Shed,
Hutments Area,
Gandhidham.

= Applicant =

Advocate : Mr. Sailesh Parikh

Versus

1. Union of India,
Through General Manager,
W.Rly., Church gate,
Mumbai.
2. Divisional Manager,
W. Rly., Ajmer,
3. Asstt. Engineer,
W. Rly., Engg. Deptt.,
Gandhidham.
4. Permanent Way Inspector,
B. G. (W. Rly., Engg. Deptt)
Gandhidham.

= Respondents =

Advocate : Mr. P. K. Handa



ORAL ORDER
O.A 658 of 1993

Date : 14.06.2000

Per Hon'ble Shri. P. C. Kannan : Member (J).

Neither Mr. Sailesh Parikh, counsel for the applicant nor the applicant is present. Mr. P. K. Handa is present.

2. Dismissed for default.

M. P. Singh
(M. P. Singh)
Member (A)

P. Kannan
(P. C. Kannan)
Member (J)

Mb

DATE	कार्यालय रिपोर्ट OFFICE REPORT	आदेश ORDER
18.9.2000		<p>Mr. Sailesh Parikh is present.</p> <p>Mr. Handa seeks time to file reply to the MA/535/2000. Adjourned to 11.10.2000.</p> <p style="text-align: right;"><i>PN</i></p> <p>(P.C. Kannan) Member (J)</p>
11.10.2000		<p>nkk</p> <p>Mr. Shevde files appearance in place of Mr. Handa. Appearance is recorded. Adjourned to 27.11.2000.</p> <p style="text-align: right;"><i>GS</i></p> <p>(G.C. Srivastava) Member (A)</p> <p style="text-align: right;"><i>A</i></p> <p>(A.S. Sanghavi) Member (J)</p>
		<p>MD</p> <p><i>27/11/00</i></p> <p>M.A 535 of 2000 In O.A 658 of 93</p>
<p>Heard Mr. Sailesh Parikh and Mr. Handa. Considering the grounds mentioned in the M.A, we find that sufficient cause is shown for restoring the O.A to file. Hence, the M.A is allowed and O.A is restored to file. No order as to costs.</p> <p style="text-align: right;"><i>GS</i></p> <p>(G.C. Srivastava) Member (A)</p> <p style="text-align: right;"><i>A</i></p> <p>(A.S. Sanghavi) Member (J)</p>		

दिनांक DATE	कार्यालय टिप्पणी OFFICE REPORT	आदेश ORDER
18.9.2000		<p>Mr. Sailesh Parikh is present.</p> <p>Mr. Handa seeks time to file reply to the M.A/535/2000. Adjourned to 11.10.2000.</p>
		(P.C.Kannan) Member (J)
11.10.2000	nkk	<p>Mr. Shevde files appearance in place of Mr. Handa. Appearance is recorded. Adjourned to 27.11.2000.</p>
		(G.C. Srivastava) Member (A) (A.S. Sanghavi) Member (J)
27/11/00	Mo	
		<u>M.A 535 of 2000 In O.A 658 of 93</u>
		Heard Mr. Sailesh Parikh and Mr. Handa. Considering the grounds mentioned in the M.A, we find that sufficient cause is shown for restoring the O.A to file. Hence, the M.A is allowed and O.A is restored to file. No order as to costs.
		(G.C. Srivastava) Member (A) (A.S. Sanghavi) Member (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

OA/658/1993

Date of Decision : 27.11.2000

Mr. Challamuthu Thannapal : Petitioner (s)

Mr. Sailesh Parikh : Advocate for the petitioner [s]

Versus

Union of India & Ors. : Respondents [s]

Mr. P. K. Handa : Advocate for the Respondent [s]

CORAM :

THE HON'BLE MR. A. S. SANGHAVI : MEMBER (J)

THE HON'BLE MR. G. C. SRIVASTAVA : MEMBER (A)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment? ~
2. To be referred to the Reporter or not? ~
3. Whether their Lordships wish to see the fair copy of the judgment? ~
4. Whether it needs to be circulated to other Benches of the Tribunal? ~

Shri.Challamuthu Thannapal,
B. G. Loco Shed,
Hutments Area, Gandhidham.

- Applicant -

Advocate : Mr. Sailesh Parikh

Versus

1. Union of India, through General Manager,
W. Rly., Church gate,
Mumbai.
2. Divisional Manager,
W. Rly., Ajmer.
3. Asstt. Engineer,
W. Rly., Engg. Dept.
Gandhidham.
4. Permanent Way Inspector,
B.G. (W. Rly., Engg. Dept.,)
Gandhidham.

- Respondents -

Advocate : Mr. P. K. Handa

**ORAL ORDER
O.A 658 of 1993**

Date : 27.11.2000

Per Hon'ble Shri. A.S. Sanghavi : Member (J).

Heard Mr. Sailesh Parikh for the applicant and Mr. P. K. Handa for the respondents. This O.A was dismissed in default but on account of the orders passed in M.A 535 of 2000, the same is restored to file. We have heard the learned advocates of both the parties.

2. The applicant has come with a grievance that though he has been appointed as Beldar and is working as Beldar since long, he is being posted as Gangman against his wishes and is not being regularised in the post of Beldar. The applicant had earlier preferred O.A No. 496 of 88 seeking multiple reliefs and that same has been disposed of by this Tribunal on dated 14.12.89 with a directions to adjust the period between the order and its implementation being treated as period in leave as admissible etc. The applicant had thereafter preferred O.A No. 48 of 90 making a grievance that he is not being made permanent to the post of Beldar and that the respondents should be directed not to act and implement the order dated 8.01.90. The O.A was disposed of by this Tribunal on dated 2.3.92 stating that the relief prayed in para 7 (B) and 7 were already set aside and no order required to be passed for this relief. It was also directed that the authority concern might consider the representation of the applicant that he might make as to whether the leave due was sanctioned and if any amount may required to be paid had not been paid as per the rules. The applicant was already given permission to file fresh O.A about his grievance regarding him to be made permanent as Beldar. It appears that subsequently the applicant had preferred representation with the respondents but since he was not made regular in the post of Beldar, he has again moved the present O.A. The grievance of the applicant is that though he was working as Beldar and was appointed as Beldar, he is being asked to work as Gangman. According to Mr. Parikh, learned advocate appearing for the applicant, the applicant is not willing to work as Gangman though the post of Gangman is a promotional post.

Mr. Handa, learned advocate appearing for the respondents has submitted that Beldar is group 'D' post and the Gangman will be a promotional post for the applicant. Under the circumstances, since the applicant is being asked to work as Gangman he is being given benefit of promotion. However, according to Mr. Parikh, the applicant does not want the benefit of the promotion and would like to be satisfied if he is made permanent in the post of Beldar. Mr. Handa for the respondents further submits that there is no post of Beldar and all the post of Beldar are abolished leaving only Gangman, Peon or Mali etc. Mr. Parikh for the applicant says that the working of Mali or Peon is being taken from the applicant and he may be regularised in that post.

3. In view of the discussion at the bar and further submissions of Mr. Handa that by this time the applicant must have been made regular in group 'D' post as a Beldar, as he has completed more than 10 years of service in the said post, we deem it fit to direct the respondents to consider the applicant for being regularised as Beldar or if the posts are abolished then, in any post of the group 'D' post except Gangman such as Peon or Mali as per the rules and regulations in existence, if he has not been made regular by this time. It is also further directed that if the applicant is not willing to work as Gangman, he could not be asked to work as a Gangman and should be continued in group 'D' post. With these directions, the O.A stands disposed of. No order as to costs.

E. C. Srivastava
(G.C. Srivastava)
Member (A)

A. S. Sanghavi
(A. S. Sanghavi)
Member (J)