

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. M.A.313 of 1997  
M.A.177 of 1997  
G.A.1032 of 1996

Date of Order : 23.1.1998

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.  
Hon'ble Mr. S. Dasgupta, Administrative Member.

RAM KRIPAL & ORS.  
A.K. PANDEY

Vs.

UNION OF INDIA & ORS.  
(EASTERN RAILWAY)

For the applicants : Mr. S. Malkhandi, counsel.  
Ms. S. Roy, counsel.

For the respondents: Mr. C. Samadder, counsel.

ORDER

The matter under controversy arising out of M.A.No.313 of 1997 is that the respondents have issued a selection list dated 24.7.1997 as per annexure 'X/1' for the purpose of appointment as Goods Driver. It is submitted by the ld.counsel appearing for the applicants that such a move is derogatory to their right protected by the interim order passed by the Tribunal on 10.6.1997 on the basis of M.A. No.177/1997. By the aforesaid order, the Tribunal modified the interim order passed in this case on 14.2.1997 to the effect that further promotion of Sr.Diesel Assistants and Diesel Assistants to the post of Shunter from the list annexed to the aforesaid M.A.177 of 1997 may be given, but such promotion shall abide by the result of the case. In the instant miscellaneous application, M.A.313 of 1997, the applicants pray before this Tribunal to restrain the respondents from calling the enlisted Shunters for selection to the post of Goods Driver on the basis of the order dated 24.7.1997 as per annexure 'X/1'. In view of the revised interim order, we do not find any scope to interfere in this regard and to pass such order as proposed as it

has been made clear in the revised interim order that any such promotion shall abide by the result of the case.


2. Under the circumstances, M.A.313 of 1997 is rejected but considering the urgency of the matter and the points involved in this case, we think the O.A. should be heard out.


3. It has been submitted by the ld.counsel appearing for both the parties that the matter is ready and reply and rejoinder have both been filed and is on record. Accordingly, the matter be listed for hearing on 22.4.1998.

4. It is, however, submitted on behalf of private respondents 6, 7 and 8 that no reply has yet been filed on their behalf, on whose behalf Mr.Samir Ghosh has filed power, but he has not appeared today. Anyway, leave is granted to file reply on behalf of these private respondents at least a week before the next date of hearing.

5. We also record that M.A.177 of 1997 was disposed of by the order dated 10.6.1997 although no formal order of disposal was passed on that day. The said M.A.177 of 1997 is disposed of today alongwith the other M.A. being no.313 of 1997.

6. No order is made as to costs.

  
(S. Dasgupta)  
Administrative Member

  
(S.N. Mallick)  
Vice-Chairman