

27-2-96

CM

Hon'ble Shri K.D.Saha, Member(A)

\*\*\*

Heard the learned counsel for the applicants. ~~These~~<sup>Six</sup> applicants have jointly filed this application. The prayer for filing application jointly is allowed.

2. By this application, the applicants, who are Group 'D' employees of Sonepur Division, N.E. Railway, have sought for quashing the orders contained at Annexure-A/1 dated 20.2.96 which is a panel for promotion of Group 'D' employees to Group 'C' in pay-scale of Rs.950-1500, prepared on the basis of written test held on 27.8.1994 and viva voce held on 6.2.96 and 7.2.96. In pith and substance, the ground for challenge is that the panel has been prepared in violation of the extant rules and in irregular and arbitrary manner & seniors have been deliberately superseded.

*Recd in office  
on 27/2/96  
MS*

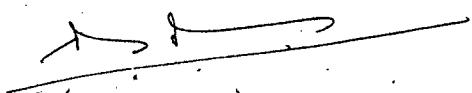
3. The learned counsel submits that the applicants have filed representations addressed to the General Manager(Personnel), N.E.Railway, Gorakhpur, and D.R.M., N.E.Railway, Sonepur, in this connection which are contained at Annexure-A/4 series. There is an interim prayer for staying the operation of the panel at Annexure-A/1 till disposal of this case or at least <sup>the</sup> disposal of the representations by the respondents.

4. This is a Division Bench matter. There is no Division Bench at present and there is no likelihood of Division Bench shortly. Against this background and considering submissions of the learned counsel for the applicants and the

urgency of the matter, I admit the application. The respondents are directed to file written statement within four weeks. Rejoinder, if any, to be filed within two weeks thereafter. Requisites to be filed by tomorrow.

5. I further direct that the Divisional Railway Manager, N.E.Railway, Sonepur, should consider and dispose of the representations at Annexure-A/4 series filed by the applicants by a reasoned and speaking order within a period of two months from the date of communication of this order. All the appointments made from the panel at Annexure-A/1 shall be subject to the decision of this case.

6. List this case on 12.4.96 before the Registrar for completion of pleadings. Let a copy of this order be handed over to the learned counsel for the applicants.

  
(K.D. Saha)  
Member (A)

2/12.4.96

Shri. M. L. Paswan, Registrar Incharge.

....

Learned Counsel for the applicant is present. Notices have been issued to the respondents. SR not received. W/s has also not been filed as yet. Let 17.5.96 be fixed for fixing SR & W/s.

  
( M. L. Paswan)  
Registrar I/C

PKL

O.A. - 122/96

3/17.5.1996

Sri M.L.Paswan, Registrar I/c

Mr. M.P.Dixit appears for the applicant.

W/s has not yet been filed. Put up on 16.7.1996 for filing W/s.

MPS-

( M.L.Paswan )  
Registrar I/c

16/8/96

Mr. M.P. Dixit appears for the applicant. W/s has not been filed in this case. Let 14/8/96 be fixed for filing W/s.

4/21.11.96

File was not put up on due date and is waiting for today. Office to file up the file on due date in future. Shri M.P.Dixit, Applicant's counsel is present.

W/s has not been filed. List on 06.12.1996 for W/s.

SKJ

( M.L.Paswan )  
Registrar I/c

5/6.12.1996

Mr. M.P.Dixit, advocate appears for the applicant.

None for the respondents. W/s has not been filed.

Put up on 28.1.1997 for filing W/s.

MPS.

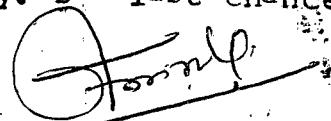
( M.L.Paswan )  
Registrar I/c

6/28.1.1997

None for the applicant. Shri A.K. Tripathy

learned counsel appears for the respondents. The learned counsel for the respondents submits that the written statement is ready but it could not be served to the learned counsel for the applicant due to his non availability. Put up on 18.2.1997 for filing W/s and rejoinder, if any, as a last chance.

MPS.

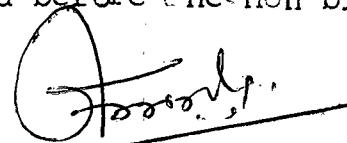
  
( S.P. Sinha )  
Dy. Registrar I/c

7/18.2.1997

The learned counsel for the applicant Shri M.P. Dixit is present. On perusal of the record it appears that the W/s has not been filed as yet though sufficient time was given to the respondents. In the circumstances, let the case be listed before the Hon'ble Bench for direction on 25.2.1997.

*W/S filed on behalf of the respondents  
filed up to 10/3*

MPS.

  
( S.P. Sinha )  
Dy. Registrar I/c

8/ 25.2.97.

Shri M.P. Dixit, the counsel for the applicant.

The learned counsel for the applicant states that he has received copy of the W/S served by Shri A.K. Tripathy. He is allowed two weeks time to file rejoinder. The case thereafter be included in the ready list.

*W/S  
Rejoinder to W/S  
filed on behalf of the  
Silicon/CBS  
M.K. [Signature]  
7/10/97*

  
( V.N. Mehrotra )  
Vice-chairman

*7/10/97*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH /PATNA

Order Sheet

Application No. .... 199 in.....  
Applicant (s) .... Respondent (s) ....  
Advocate for Applicant (s) .... Advocate for Respondent (s) ....

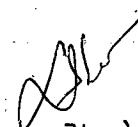
Note of Registry	Orders of the Tribunal
	OA - 122/96
	9./ 20.8.98. Shri M.P. Dixit, the counsel for applicant. List this OA on 16.11.98 for direction as per order dated 20.8.98 passed in MA 90/97.
/CBS/	(L.R.K. Prasad) Member (A)
	(V.N. Mehrotra) Vice-chairman
	10/16.11.98 Shri M.P.Dixit, counsel for the applicant. None for the respondents. As the pleadings in the case are complete, list on 03.02.1999 for hearing.
SKJ	(Lakshman Jha) Member (J)
	(L.R.K. Prasad) Member (A)
	11/03.02.99 Shri M.P.Dixit, counsel for the applicant. Shri R.K.Choubey, proxy-counsel for the respondents. Partly heard the learned counsel for the applicant. List on 10.03.1999 for hearing as Part-Hearld matter.
SKJ	(Lakshman Jha) Member (J)
	(L.R.K. Prasad) Member (A)

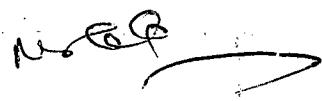
12

10.3.99

List on 24.3.99 for hearing.

CM

  
(Lakshman Jha)  
Member (J)

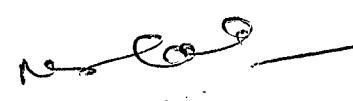
  
(L.R.K. Prasad)  
Member (A)

13/24.3.1999

Shri M.P. Dixit, counsel for the applicant.

Member (J) could not attend office due to some unavoidable reason. Let it be listed for hearing on 15.4.1999 as part-heard in terms of order dated 3.2.2999.

MPS.

  
( L.R.K. Prasad )  
Member (A)

14/15.4.99

Shri M.P. Dixit, counsel for applicant

Shri A.K. Tripathy, counsel for respondents

Heard the learned counsel for the parties.

Arguments concluded. The learned counsel for respondents shall produce proceedings of the examination including written examination as well as Viva Voce ~~and~~ tests and marks obtained by candidates in each of the tests. He shall also ~~indicate~~ the written examination and requisite marks required to be obtained in Viva voce tests by the candidates to qualify in the ~~maximum~~ ~~maximum~~ and written examination and Viva voce tests. The same shall be produce before the Court on next date. List it for direction on 19.5.99.

~~fax direction~~

A copy of ~~the~~ this order be given to the counsel for the respondents.

SKS

  
(Lakshman Jha )  
Member (J)

  
( L.R.K. Prasad )  
Member (A)

O. A. 122/96

15/ 19.5.1999

Shri M.P. Dixit, counsel for the applicant.

None for the respondents

The documents as referred to in the order dated 15.4.1999 relating to selection from Group 'D' to 'C' have not yet been produced. One weeks further time is allowed to produce the same. List it for direction on 27.5.1999.

MPS.

  
(Lakshman Jha)  
Member (J)

  
(L.R.K. Prasad)  
Member (A)

16

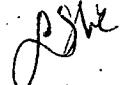
27.5.99

CM

Shri M.P. Dixit. . . Counsel for the app'.

Shri Gyam Prakash Dinha. . . Counsel for the respondent

The learned counsel for the respondents prays for and he is allowed two weeks' time to submit documents as referred to in the order dated 19.5.99. List it on 28.6.99 for direction.

  
(Lakshman Jha)  
Member (J)

  
(L.R.K. Prasad)  
Member (A)

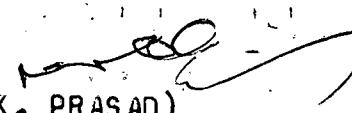
OA - 122/96

17./ 28.6.99.

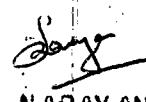
Shri M.P. Dixit, the counsel for the applicant.

The matter has been heard by some different Bench.  
Let it be listed before the appropriate Bench for necessary  
direction on 7.7.99.

/CBS/

  
(L.R.K. PRASAD)

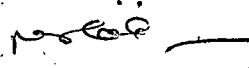
MEMBER (A)

  
(S. NARAYAN)  
VICE-CH AIRMAN

18./ 7.7.99.

Since this happens to be the part heard matter,  
let it be listed on 13.8.99 for hearing before the  
appropriate bench.

/CBS/

  
(L.R.K. PRASAD)

MEMBER (A)

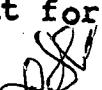
  
(S. NARAYAN)  
VICE-CHAIRMAN

19/13.8.1999

Shri M.P. Dixit, counsel for the applicant.

The arguments already concluded. The respondents  
are required to produce certain documents in terms of  
order dated 15.4.1999, which has not yet been furnished.  
List it for direction on 18.8.1999.

MPS.

  
( Lakshman Jha )  
Member (J)

  
( L. R. K. Prasad )  
Member (A)

O.A.122/96

20/18.8.1999 Shri M.P.Dixit, counsel for the applicant.  
None for the respondents.

List it for direction on 23.8.1999.

MES.

*JK*  
( Lakshman Jha )  
Member (J)

*LRK*  
( L.R.K. Prasad )  
Member (A)

21/24.8.99 Shri M.P.Dixit, counsel for the applicant.

Heard the counsel for the parties. It is regrettable that the respondents have not produced the documents as referred to in the order dated 15.4.99. The arguments in this case have already been concluded. The counsel for the respondents states that he has sent necessary letters to the respondent to file the documents but he has not yet been received <sup>any</sup> reply. As the matter is getting delayed, we specifically direct the respondent No. 4 (DRM-P), N.E.Railway, Sonepur, to submit the documents as directed vide this order dated 15.4.99.

This documents related to proceedings of the examination including written examination as well as viva-voce test and marks obtained by the candidate in which the respondents were also directed to indicate the requisite marks required to be obtained in the written examination and viva-voce test by the candidate to qualify in the written exam. and viva-voce test. This relates to promotion by selection of ~~employment~~ of Gr.-D to Gr.-C under 33 $\frac{1}{2}$  quota.

He is directed to submit the same within a period of three ~~weeks~~ from the communication of this order.

List it for direction on 28.9.99. Let a copy of the order be given to the counsel for the parties.

AKJ

(L.JHA)  
MEMBER(J)

  
(L.R.K.PRASAD)  
MEMBER(A)

22/28.9.1999

Shri M.P.Dixit, counsel for the applicant,

Shri Gyan Prakash Ojha, J.C. to Shri A.K.Tripathi, Rly.  
counsel.

The learned counsel for the respondents states (as per <sup>his</sup> information) that the it ~~has~~ is possible to locate the file. He prays for and is allowed four weeks further time to submit the same before this Tribunal by the next date. List it for direction on 28.10.1999.

( Lakshman Jha )  
Member (J)

( L.R.K.Prasad )  
Member (A)

28/28.10.1999 Sh. M.P.Dixit, counsel for the applicant.  
10/59 None for the respondents.

xxxxxxxt5x4x99 Sh. T.D.Acharya, APO, N.E.Railways, Sonepur states that he has already handed over the relevant records to Sh. A.K.Tripathy, counsel for the ~~xxxixxxx~~ respondents. In that view of the matter, list it for direction on 1.11.1999 for submission of relevant record in terms of order dated 15.4.99.

AKJ

(L.JHA)  
MEMBER (J)

(L.R.K. PRASAD)  
MEMBER (A)

Later on :

One photocopy of the relevant document has submitted later on by Sh. Gyan Prakash Ojha, counsel for the respondents. The same is placed in file.

—AKT—

(L.J.H.A)  
MEMBER (J)

(L.R.K.PRASAD)  
MEMBER (A)

O. A. 122/96

24/1.11.1999

Shri M. P. Dixit, counselfor the applicant.

The respondents have filed photo copy of the selection proceedings relating to promotion to group 'D' to Group 'C', which is placed in file. The order is reserved.

MPS.

*LJH*  
( Lakshman Jha )  
Member (J)

*LRP*  
( L.R.K. Prasad )  
Member (A)

25/8.11.2000

Orders pronounced as per separate sheet.  
The O.A. is dismissed.

MPS.

*LJH*  
( Lakshman Jha )  
Member (J)

*LRP*  
( L.R.K. Prasad )  
Member (A)