

OA-200/96  
Mrs. K. S. Menon for

1/26.2.96.

Adjourned to 18/3/96.

2/18.3.96.

"

" 29/3/96.

Uday  
18/3/96  
SUD

Defects  
in the  
original  
no. 22  
amv  
8/4/96

3/4.9.1996

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

Heard the learned counsel Mrs. M. M. Pal. Two Railway employees working as Motor Driver-cum-Mechanics on South Eastern Railway, Bokaro, Adra Division have jointly filed this application. The applicants were promoted from M.D.M. Grade II scale Rs. 1200-1800/- to M.D.M. Grade I in scale Rs. 1320-2040 on adhoc basis with effect from 22.10.1990, and by the impugned order at Annexure-4 dated 4.1.1996 they have been ordered to be discontinued to the post of M.D.M. Grade I with effect from 4.1.1996 (FN). By this application the applicants have assailed their reversion from the post of MDM Grade I to the substantive post of MDM Grade II. It is stated that a number of juniors are still working on adhoc basis to the post of MDM Grade I when they have been ordered for reversion. It is further stated that Shri R. K. Sharma, M.D.M. Grade III who was promoted on adhoc basis to the post of MDM Grade II with effect from 22.10.1990 and order for reversion to the substantive post of MDM Grade III with

effect from 4.1.1993 is still continuing on that post. The applicant also seek interim order to the effect that during the pendency of the petition, operation of the direction to revert them should be stayed.

2. This is ~~xxx~~ a Division Bench matter. No Division Bench is at present available and there is no likelihood that Division Bench will be available shortly. Against this background and considering the averments and submissions of the learned counsel for the applicant, I admit this application. Issue notices to the respondents. Written statement should be filed within four weeks. Rejoinder, if any, should be filed within a week thereafter. Requisition to be filed immediately.

3. On the question of interim order, it is submitted that although the applicants have been ordered for reversion with effect from 4.1.1996 (FN), they are still continuing ~~in~~ the post of MDM Grade I and no one is posted against the posts on which they ~~were~~ working on adhoc basis. Considering the submissions of the learned counsel for the applicant, I further direct that status quo <sup>as on date</sup> should be <sup>for a period of 14 days</sup> maintained <sup>2</sup> with regard to the posts of two applicants of the O.A. by which time the respondents shall file ~~a~~ show-cause as to why the interim order as passed shall not be made absolute. List this case on 23.4.1996 for hearing on the question of status quo. Let a copy of this order handed over to the learned counsel for the applicant.

( K. D. Saha ) 9/4/96  
Member (A)

MPS.

Resubmitted  
on 12/4/96  
ms

Received  
Delivered  
12/4/96

Notice issued  
on 16/4/96  
SM

4/23.4.1996

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

No one appears. No show-cause has been filed. List this case on 16.5.1996 for hearing on the Question of stay. Interim order as passed earlier shall continue till the next date.

MPS.

(K. D. Saha)  
Member (A)

5/17.05.96

Counsel for the applicant : Shri D. Chowdhury.

Counsel for the respondents : Shri G. Bose.

Heard Shri D. Chowdhury, learned counsel on the question of continuance of the stay order passed by this Bench on 09.04.1996. The applicant who was working as a MDM Gr. I in the scale of Rs. 1320-2040/- on adhoc measure between 22nd Sept., 1990 to 4th Jan., 1996, was ordered to be dis-continued to draw the officiating allowance for that post w.e.f. 04.01.1996 by a Memo dated 04.01.1996. Shri Chowdhury stated that when this O.A. was filed on 19.02.1996, the applicant was continuing on that post and, therefore, he prayed that the stay order against this impugned order which was granted on 09.04.1996 be continued. Shri G. Bose, learned counsel for the respondents stated that he has only been instructed to appear in this matter and no show-cause has yet been filed by the respondents. However, he referred to the impugned order which states that the applicant was appointed as an adhoc measure and was drawing an officiating allowance which would indicate that the applicant was not a regular promotee and had no right to continue on that post on the basis of officiating allowance. Even if he is continuing on the post of MDM Gr. I that does not entitle him to draw the officiating allowance beyond the date specified in that order.

2.

Having heard Shri Bose, I am inclined to agree

....Contd/-

Contd...1-

that the balance of convenience does not lie in the favour of the applicant to have the operation of the stay order continued any further. The stay granted earlier by this Bench will not continue any further from this date (17.05.1996).

3. Respondents are at liberty to file a detailed reply in the matter for which the permission to file a rejoinder, as per rules, is also granted.

4. Place it before the Registrar for completion of pleadings and putting it on 09.07.1996 for hearing.

5. Let a copy of this order ~~may~~ be given to the counsel for the parties.

*N.K. Verma*  
(N.K. Verma)  
Member (A)

SKT

6/9.7.96

Shri M.L.Paswan, Registrar I/c

Shri D. Chaudhary, Junior counsel to Smt. M.M.Pal, counsel for the applicant is present. Shri D.G.Dastidar, Junior counsel to Shri Gautam Bose, Senior counsel for the respondents, ~~has~~ submitted that he has submitted Vakalatnama today for the respondents. He prays for time for filing W.S. Prayer allowed. List on 31.7.96 for filing W.S.

*M.L. Paswan*  
( M.L.Paswan )  
Registrar I/c

SKS

*Deputy Registrar  
Junior to Sr. Advocate  
Advocate for Railway  
24/5/96*

*Received  
Shri D.G.Dastidar  
31/7/96*

*Vakalatnama filed  
on behalf of the  
respondents  
M.K. Verma  
12/7/96*

7/7.8.96

Shri M.L.Paswan, Registrar I/c

Learned counsel for the applicant is absent. Shri D.G. Dastidar, Junior Counsel to Shri Gautam Bose, counsel for the respondents, is present. ~~W/s~~ Vakalatnama has been filed on behalf of the respondents. W.S. has not been filed. List on 20.8.96 for filing W.S.

*M.L.*  
( M.L.Paswan )  
Registrar I/c

SKS

8/8.10.96

Sri. M. L. Paswan, Registrar I/C.

....

Proxy counsel on behalf of the applicant is present. *W.S. has been filed and the learned counsel for 3* and prays for time for filing the rejoinder. Prayer allowed. Put up on 7.11.96 for filing the same.

*M.L.*  
( M. L. Paswan )  
Registrar I/C

PKL

9/9.1.1997

The learned counsel for the applicant Shri S.N.Tiwari is present. W/s has been filed on behalf of the respondents. Rejoinder has not been filed by the applicant. The learned counsel prays for 3 week's time to file rejoinder. Put up on 31.1.1997.

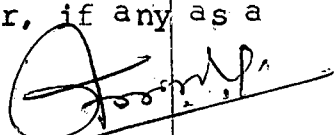
*M.L.*  
( M.L.Paswan )  
Registrar I/c

MPS.

W/s filed on  
behalf of the  
respondents.  
M.L.  
27/9/96

10/31.1.1997

None for the parties. W/s has been filed on behalf of the respondents. Rejoinder to the W/s has not been filed as yet. Put up on 13.2.1997 for filing rejoinder, if any as a last chance.

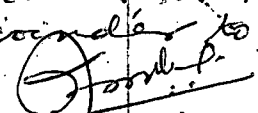
  
( S.P. Sinha )  
Dy. Registrar I/c

MPS.

11/13.1.1997

Shri D. Choudhary, learned counsel for the applicant is present. None for the respondents. W/s has already been filed on behalf of the respondents. Rejoinder has not been filed. Although last chance was given to the applicant. In the circumstances, let this case be kept under ready list as per Rule 39 of

C.A.T., Rules of Practice, 1993. *However the applicant shall be at liberty to file rejoinder to W.S. in the meanwhile.*

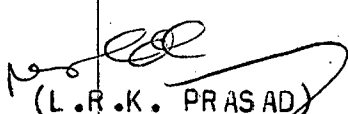
  
( S.P. Sinha )  
Dy. Registrar I/c

MPS.

12./ 26.2.99.

List it on 10.3.99 for direction.

/CBS/

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH PATNA

Order Sheet

... Application No. ... O. A. 200/96 ... 199 in ...

Applicant (s) ... Respondent (s) ...

Advocate for Applicant (s) ... Advocate for Respondent (s) ...

Note of Registry

Orders of the Tribunal

13/10.3.1999 Mrs. M.M. Pal counsel for the applicant.

As prayed for, list it for hearing

on 23.4.1999.

MFS.

( Lakshman Jha )  
Member (J)

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

14/23.4.1999

On the request made on behalf of the  
learned counsel for the applicant, list it  
for hearing on 2.7.1999.

MFS.

( Lakshman Jha )  
Member (J)

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

15/2.7.1999

For want of time let it be listed on  
24.8.99 for hearing

AKJ

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

(S. Narayan)  
Vice-Chairman

16/24.8.1999

None for the applicant.

Shri Gautam Bose, counsel for the respondents.

List it for hearing on 4.10.1999.

MFS.

( Lakshman Jha )  
Member (J)

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

17/4.10.1999

Shri Gautam Bose, counsel for the respondents.

List it for hearing on 1.11.1999.

MPS.

(Lakshman Jha)  
Member (J)

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

18/1.11.1999

List it for hearing on 29.11.1999.

MPS.

(Lakshman Jha)  
Member (J)

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

19/29.11.99

List it for hearing on 25.1.2000

AKJ

(L.JHA)  
MEMBER(J)

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

20/25.01.2000

For want of time, list it on 24.03.2000 for  
hearing.

SKJ

(L.Hingliana)  
Member(A)

(S.Narayan)  
Vice-Chairman

21./ 24.3.2000.

Shri S.N. Tiwary, the counsel appearing on behalf of the applicant prays for time for the reason that he has got no instruction from the client. Since this matter is pending ever since Feb, 1996, and on previous several dates, there was no response on behalf of the applicant, I am of the opinion that the applicant is not keen to pursue the matter. Hence this is dismissed for default.

/CBS/

(XXXXXXXXXXXXXX)

(S. NARAYAN)  
VICE-CHAIRMAN