

1/29.1.96

Hon'ble Shri N. Sahu, Member (A)

Learned counsel for the applicant, Shri L. Narain, appears. The relief claimed in this case is to quash the impugned order of reversion contained in Annexure-3 and to absorb the petitioner in the cadre of Divisional Accountants taking into consideration ~~of their~~ ^{experience} ~~experiences~~ and length of service.

2. The learned counsel has drawn my attention to Annexure-6, an order of this Bench dated 16.3.95, in which an application OA-415 of 1995 has been admitted. The learned counsel has also drawn my attention to sub-para (xii) ^{xix)} of para 5 of the application at page # 12, in which 16 other O.As. were mentioned as admitted by this Bench on exactly similar facts. Interim stay has been granted in all those cases and the interim stay is continuing, ^{it is submitted by} ~~in accordance with~~ the learned counsel for the applicant. After considering the submissions and going through the averments I am satisfied that this is a case for admission. Admitted. Issue notice to the respondents to file Counter-Affidavit within a period of four weeks and rejoinder if any, may be filed within two weeks thereafter.

3. There is a prayer for an interim order seeking stay of the reversion order as contained in Annexure-3. It is urged by Shri Narain that the applicant is still working and not reverted. In view of the earlier interim order granted by the Patna Bench,

2.

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The prayer of interim stay is allowed only for 14 days. The respondents are directed to file show cause as to why the interim stay order granted for 14 days shall not be made absolute.

Requisites to be filed by the applicant within two days. Fix this case on 12.2.1996 for hearing on interim stay matter.

Notice given
on 1/1/96
h/m

SKS

Harsamsher Singh
(N. Sahu)
Member (A) 29/1/96

2/12. 2. 1996

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

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Shri B.N. Yadav, learned counsel for the State of Bihar. Adjourned to 4.4.1996. ~~XXX~~ Stay to continue till the next date.

K D Saha
(K.D. Saha)
Member (A)

3./ 4.4.96. Counsel for the applicant : None.

Counsel for the respondents.: Shri J.N. Pandey, sr. standing
No. 1 to 3 counsel for Govt. of India.

Counsel for respondents No. 4 & 5 : None.

In this matter, Dr. A.N. Sinha, the learned counsel for the applicant mentioned at the time of lunch break at 1.30 P.M. that short adjournment may be granted in the matter because of his pre-occupation ~~with~~ expressing commitment. At that stage, Shri J.N. Pandey, the learned counsel for the respondents ^{standing} Union of India objected to the adjournment sought for by the learned counsel for the applicant. I had directed the learned counsel for the applicant to be available when the case is called out, with observation that in case stay is not found to be sustainable, the same will be vacated. Inspite of my that observation, the learned counsel for the applicant is not present in the court..

2. Shri J.N. Pandey, sr. standing counsel for the Union of India brought to my notice that the applicants in 16 other OAs, which has been mentioned in the order sheet dated 29.1.96 wherein interim stay is continuing has been contested by the respondents for vacation of the stay. The similar prayer made in other subsequent OAs from similarly situated employees for grant of interim stay has been refused by this Bench. The prayer made in this OA is for quashing the impugned order of reversion of the applicant from the Emergency Divisional Accountant in the office of the respondent No. 5 to the parent cadre because

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Mr. J.N. Pandey
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OA - 53/96

of the reasons given in the Annexure-3. The interim order prayed for by the applicant is also for staying the impugned reversion order. It is established proposition of law that the substantial relief sought for in the application cannot be granted by way of interim order. Since the learned counsel for the applicant is not available here today to argue why the interim order should be continued any further and in what manner this can prejudice his interest and will be against the balance of convenience, I am inclined to agree with the sr. standing counsel's submission that this stay should not be continued any further. In view of this, the stay order granted earlier on 29.1.96 is hereby vacated. The respondents are at liberty to take whatever action they deem fit in the matter. This order may be served dasti on the respondents.

*Affidavit under
rule 2 of the CAT
filed on behalf
of the respondents
on 29.1.96*

3. Since this is a Division Bench matter, let it be put up before the appropriate Division Bench as and when the same is available. In the mean time, let the matter be put up before the Registry for completion of pleadings. Let this order be served through ^{on the Respondents} sr. standing counsel.

/CBS/


(N.K. Verma)
Member (A)

DA - 53/96 (MA 117/96)

4./ 24.4.96. Exposed for the respondent

Counsel for the applicant : Shri Ajit Kumar, Brief Holder of Shri A.N. Singh.

Counsel for U.O.I. respondents: Shri J.N. Pandey.

Counsel for State of Bihar : Shri B.N. Yadav.
Respondents.

Shri Ajit Kumar, the brief holder of Shri A.N. Singh the learned counsel for the applicant prays for short adjournment as Shri A.N. Singh is not available. Let the case be listed on 9.5.96. Copy of the MA has already been served on the counsel for the State of Bihar, Shri B.N. Yadav. Shri J.N. Pandey, Sr. Standing Counsel states that copy of the MA has not been handed over to him. The applicant is directed to serve copy of the MA on Shri J.N. Pandey also.

/CBS/

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

5/9.5.1996

Counsel for the applicant : Mr. Laxmi Narain

Counsel for the U.O.I. Respondents : Mr. J.N. Pandey

Counsel for the State of Bihar : Mr. B.N. Yadav.

Heard Mr. Laxmi Narain who brought to my notice that the stay order was vacated. Shri Narain was not available on the last date in the Court due to some personal problem. He submitted that the stay order should be vacated only by the Division Bench. Since the vacation of stay order has already been ordered on 4.4.1996, the question of restoration of stay order does not arise. Mr. Narain also brought to my notice that 6 identical nature of cases on which stay order

is continuing. Mr. J.N. Pandey, learned counsel for the respondents gave the background on which the stay order was passed by this Tribunal ex-parte on the previous occasions. Let all the six cases be listed on 23.5.1996 for further orders and continuance of stay order.

MPS.

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

6/23.05.96

Counsel for the applicant : Dr. A.N. Singh & L. Narayan.
Counsel for the respondents : Shri J.N. Pandey.

Appearance kept filed by Mr. A.N. Singh & L. Narayan, Member (A).

Since this is a Division Bench matter, let it be put up before the appropriate Division Bench as and when the same is available. In the meantime

Let the matter be ~~put up before the~~

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

7./ 24.2.99. None for the applicant.
Shri G.K. Agarwal, the counsel for the respondents.

List it on 25.3.99 for direction.

/CBS/

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

8/25.03.99 None for the applicant.
Shri G.K. Agarwal, ASC for the respondents.

List on 10.05.1999 for direction.

SKJ

Lakshman Jha
(Lakshman Jha)
Member (J)

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

9/10.05.99

~~Non-availability~~

Shri G.K. Agarwal, ASC for the respondents.

None for the applicant even on second call. On previous dates also there was no response on behalf of the applicant. It appears that the applicant is not keen to pursue the matter. Hence, this O.A. is dismissed for default.

M.A. No.117/96 also, accordingly, stands disposed of.

L. Hsingliana
(L. Hsingliana)/M(A)

S. Narayan
(S. Narayan)/V.C.