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O.A. 606/87

Madhukar Narayan Patil & 4 ors. ... Applicants

V/s

Union of India & Ors. ... Respondents

CORAM: Hon'ble V/C, Shri U.C.Srivastava,
Hon'ble M(A), Shri M.Y.Priolkar

Appearances:

Mr. D.V.Gangal, Advocate
for the applicants and
Mr. V.M. Pradhan, Advocate
for the respondents.

ORAL JUDGEMENT:

Dated : 12.8.1991

(Per. U.C.Srivastava, V/C)

In this application the applicants have prayed that the applicants (Technicians) be absorbed in Akola Division as per their option and in the application they also challenged the seniority on the ground that the Rule 38 P&T Vol. IV regarding transfer of an employee from one Division to another at his own option has not been correctly followed. The respondents filed a written statement challenging the contention raised by the applicants but today order dated 19.7.90 has been filed which indicates that the applicants have been already absorbed in Akola Division and that is why it has been stated on behalf of the respondents that the grievance of the applicants is over and this application has become infructuous. In view of the facts that the applicants grievance has been met and they have been absorbed in Akola Division wherein they have started working this application has become infructuous. Learned counsel for the applicants contends that even then the question of seniority will remain as Rule 38 P&T Manual Vol.IV has not been correctly

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read and interpreted and that may adversely affect the seniority. In view of the fact that main relief has become infructuous the respondents are directed to consider the seniority of the applicants in accordance with the Rule 38 of P&T Manual notwithstanding what they have said in their written statement and the seniority should be fixed in accordance with Rule 38 P&T Manual Vol.IV which shall be correctly read and applied. Let this be done within a period of two months. It will be open for the applicants to make any representation in the matter of seniority and bring to the notice of the authorities concerned ~~on~~ the circulars ^{on} which they rely. The application stands disposed of ^{with the above direction} with no order as to costs.

(M.Y.Priolkar)
M(A)

(U.C.Srivastava)
V/C

~~/SAC JALGAON TO BE COPIED IN 314/87 ALSO/~~