

(B)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

O.A.207/87

Shri.D.S.Bhoyar and five others

.. Applicants

v/s

Union of India and two Others

.. Respondents.

Coram: Hon'ble Member(A) Shri J.G.Rajadhyaksha  
Hon'ble Member(J) Shri M.B.Mujumdar

Tribunal's Order:

Dated: 2.9.1987.

Heard Mr.R.V.Gangal for the applicants and Mr.S.R.Atre (for Mr.P.M.Pradhan) for the respondents.

2. The respondents have filed their reply to the main petition and a copy of the same is given to the applicants' advocate. The reply be taken on record.

3. The applicants have given one Misc.Petition No.296/87 claiming some interim reliefs. The first interim relief prayed for is for directing the respondents to stay the implementation of the letter dated 31.7.87, a copy of which is attached <sup>as</sup> to E-2 ~~to~~ <sup>of</sup> ~~the M.P.~~ <sup>the</sup> ~~letter~~ <sup>of</sup> ~~the~~ <sup>letter</sup> ~~of~~ <sup>the</sup> ~~M.P.~~ Secondly, the applicants have requested that the respondents may be restrained from filling up the vacancies in Nagpur City Division under any pretext, till all the 49 R.T.Ps candidates are regularly absorbed and their service position is properly finalised. Lastly, the applicants have requested that the respondents should be directed to depute all untrained R.T.Ps for training by opening a special training class at Nagpur to enable them to be absorbed in regular vacancies.

4. After hearing advocates of both the sides, we reject the last two interim reliefs, <sup>claimed</sup> as they are not legal.

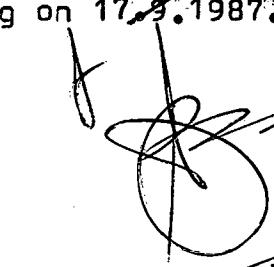
5. However, regarding the first interim relief claimed, we propose to give suitable directions which will serve the interest of the applicants as well as most of the persons mentioned in the letter in question.

6. We are told on behalf of the respondents that all the fourteen persons mentioned in the letter dated 31.7.87 are declared surplus in the RMS Raipur Division, and hence they are being brought to Nagpur City Division. But we are further told that only 12 posts are transferred from Raipur Division to Nagpur City Division because they are found surplus. It is obvious that two persons are likely to encroach on the rights of the applicants because two of them will lose their chances of being absorbed.

*the*

7. We therefore direct that out of 14 persons mentioned in the letter dated 31.7.87 which is attached ~~to the E-2 of the M.P.~~ <sup>as Annexure</sup> ~~to~~ <sup>the</sup> *Miscellaneous Petition*, only 12 persons may be absorbed in the Nagpur City Division against the 12 posts which are transferred to Nagpur City Division from Raipur Division. We further direct that the respondents shall not fill up any vacancy, which ~~has~~ occurred due to death, retirement or promotion, from the persons who are declared surplus in any RMS Division, till the decision of this application.

8. The M.P.No.296/87 is disposed of. Keep the original application for Final Hearing on 17.9.1987.

  
(J.G.RAJADHYAKSHA)  
Member(A)

  
(M.B.MUJUMDAR)  
Member(J)