

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Tr.481/87

1. S.S.More

2. R.D.Bawaskar

.. Applicants

vs.

Union of India &
Four others.

.. Respondents

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

Tribunal's Order:

Date: 16-3-1988

Heard Shri Kasar, Advocate for the
applicant, Shri Rege, Advocate, for Respondent Nos.
1 to 3 and Shri Gangal, Advocate, for Respondent
No.5. Respondent No.4 is not present.

2. Respondent Nos.1 to 3 have produced
a statement showing comparative position of the
applicants and five others. But unfortunately,
that is not of much use while deciding the points
in this case. We feel that the respondents should
supply information on the following particulars:

(i) Statement showing the service
history of the applicants, Respondent Nos.4 & 5,
Shri T.T. Bendale and Shri B.S. Padam. The statement
should show the dates of appointments in their
grades and promotions and the grades which they were
getting from time to time as well as their revised
grades as per the Ist, IIInd and IIIrd Pay Commission
Reports.

....2/-

(ii) The notings which led to the letter dtd.1-10-1983 from DRM's Office, Personnel Branch, Bhusaval, addressed to Respondent Nos.4 and 5.

(iii) Letters from General Manager, Central Railway dtd. 16-1-1979 and from Additional Chief Personnel Officer, Western Railway dtd. 12-10-1978 to which the reply dtd.19-2-1979 was sent by the Joint Director Establishment, Railway Board.

(iv) The length of service of the applicants, Respondent Nos.4 & 5, Bendale and B.S. Padam in the grade of Rs.425 - 640 or its earlier equivalent and/or higher grades. The notings which led to placing Respondent Nos.4 & 5 in the grade of Rs.425 - 640.

3. The above particulars should be given on the next date with copies to the Advocates for applicants and Respondent No.5

4. Adjourned to 5th April, 1988 for further hearing and supplying the above particulars.

(J.G. RAJADINAKSHA)
Member (A)

(M.B. MUJUMDAR)
Member (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Misc.Petition No.158/88

in
Tr.Application No.481/87

1. S.S.More

2. R.D.Bawaskar

.. Applicants

vs.

Union of India &
Four others.

.. Respondents

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

Appearances:

1. Mr.Gangal
Advocate for
Respondent No.5

2. Mr.V.G.Rege
Advocate for
Respondent Nos.
1 to 3.

TRIBUNAL'S ORDER

Date: 23-3-1988

Heard Mr.Gangal,the learned advocate for Respondent No.5 and Mr.V.G.Rege,the learned advocate for Respondent Nos.1 to 3 regarding Misc.Petition No.158/88. Respondent No.5 has filed Misc.Petition No.158/88 for summoning Shri P.S.Surjiya who was previously working as Divisional Personnel Officer and now working as Divisional Personnel Officer(Electrification Project)Bhopal. It is mentioned in the application that the said Shri Surjiya had personally dealt with the case of Respondent Nos.4 & 5 and he can properly explain the correct position regarding letter dtd. 1-10-1983.Mr.Gangal stated that the Respondent No.5 is prepared to pay the cost of summoning of Shri Surjiya.

2. There is no doubt, as submitted by Mr. Gangal, that under Section 22(3)(a) of the Administrative Tribunals Act, this Tribunal is vested with all the powers of the Civil Court while trying a suit for summoning and enforcing the attendance of any person and examining him on oath. But merely because a power is given to this Tribunal it will not mean that we should exercise that power whenever a party demands.

3. We have already directed the respondents to produce the notings which led to the letter dtd. 1-10-1983 from DRM's office Personnel Branch, Bhusaval by our order dtd. 16-3-88.

4. According to Section 22(2) of the Act the Tribunal is expected to decide every application as expeditiously as possible and ordinarily every application has to be decided on a perusal of documents and written representations and after hearing arguments. There is no doubt that whenever ends of justice demand~~x~~ this Tribunal will not hesitate to summon a witness and examine ^{him} on oath. But that power cannot be exercised for explaining as to in what circumstance some letter was ~~was~~ issued. Hence after hearing Mr. Gangal's argument we reject Misc. Petition No. 158/88

(J. S. RAJADHYAKSHA)
Member(A)

(M. B. MUJUMDAR)
Member(J)