

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 316/88

198

Date of hearing

DATE OF DECISION 16/6/1988.

Shri Prafulla Vishnu Pathak. Petitioner

Shri S.R. Atre, Advocate for the Petitioner(s)

Versus

Union of India & thr. The General Manager, Respondent
C.Railway, Bombay & 2 OTHERS.

Shri J.G. Sawant. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. SRINIVASAN, MEMBER(A)

The Hon'ble Mr. M.B. MUJUMDAR, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No. 316/88

Shri Prafulla Vishnu Pathak,
Peon, Office of the
Chief Signal and Tele Communication
Engineer (Const), Central Railway,
BOMBAY V.T.

.. Applicant.

vs.

1. Union of India, through
The General Manager,
Central Railway,
BOMBAY V.T.
2. The Chief Signal and
Tele Communication Engineer,
(Const.) Central Railway,
BOMBAY V.T.
3. The Chief Personnel Officer (S&T),
Head Quarters Office,
Personnel Branch,
BOMBAY V.T.

.. Respondents.

Counsel : Hon'ble Member(A) Shri P. Srinivasan.
Hon'ble Member(J) Shri M.B. Mujumdar.

Appearances:

Shri S.R. Atre,
for the Applicant.

Shri J.G. Sawant,
for the Respondents.

ORAL JUDGMENT

Date : 16/6/1988.

(PER : Shri P. Srinivasan, Member(A))

This application has been listed today to consider the applicant's request for interim relief. Shri S.R. Atre learned Counsel for the applicant and Shri J.G. Sawant learned Counsel for the respondents present. Both of them agree that this application can be heard on merits. We have therefore heard them on the merits of the application.

2. There are two prayers in this application. The applicant is working (class IV employee) as a Peon in the c/o the Chief Signal Telecommunication Engineer (Construction) Central Railway, Bombay. He was initially taken as a daily wager on 3.7.1979 and was given temporary status w.e.f. 1.1.1983 by an order dt. 2.3.1988. By a notification dt. 4.12.1987, the Chief Personnel Officer, Headquarters Office of the Central Railway Bombay called for applications from Class IV staff for being considered for appointment to Class III posts. The applicant applied,

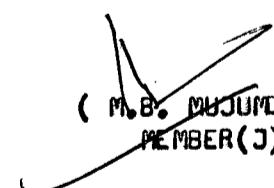
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passed the written test held for the purpose and qualified to appear for the viva voce test scheduled on 24.3.1988. He was not allowed to appear for the viva voce test because he was not a regular employee. In this application the applicant prays for a direction to the respondents to allow him to take the viva voce test and to grant him regular status from the date he was granted temporary status so as to enable him to take the oral test.

3. After the matter was heard for some time Shri Atre sought our permission to withdraw the application to enable the applicant to approach the authorities for grant of regular status. We feel that this is the right thing to do, because as pointed out by Shri Sawant, the applicant has not so far approached the Respondents at all for grant of regular status and before the respondents have had an opportunity of considering his claim, it is premature to come to this Tribunal.

4. We therefore, dismiss this application as withdrawn with liberty to the applicant to approach the authorities with his grievance and place before them all the contentions that he would urge before us. Of course, if the decision of the authorities eventually goes against him, he may still come to this Tribunal. Parties to bear their own costs.


(P. SRINIVASAN)
MEMBER(A)


(M.B. MUJUMDAR)
MEMBER(J)