

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

(9)

O.A. NO: 896/89

199

T.A. NO:

DATE OF DECISION

29.6.92

PULIELA ASHALATHA

Petitioner

Mr. R.C. Kotiankar

Advocate for the Petitioners

Versus

THE UNION OF INDIA

Respondent

MR. V.S. MASURKAR

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. HON'BLE MEMBER SHRI M.Y. PRIOLKAR, MEMBER(A)

The Hon'ble Mr. HON'BLE MEMBER J.P. SHARMA, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
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 ?

Dhara  
(J.P. SHARMA)

M/J

29.6.92

mbm

16  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

ORIGINAL APPLICATION NO: 896/1989

PULIELA ASHALATHA ....Applicant  
National Acadamy of Direct,  
Taxes, Chan Chandrawara Road,  
Nagpur, Maharashtra.

v/s

THE UNION OF INDIA ....Respondents  
and others

CORAM : HON'BLE MEMBER SHRI M.Y. PRIOLKAR, MEMBER(A)  
HON'BLE MEMBER SHRI J.P.SHARMA, MEMBER (J)

Appearance:

Mr. R.C.Kotiankar, Adv,  
for the applicant.

Mr. V.S.Masurkar, for the  
Respondents.

JUDGEMENT

DATED: 29.6.92

(PER : J.P.SHARMA, M/J)

The Applicant, Probationer in the Indian Railways Accounts Service - Group 'A' had challenged vires of the second proviso to Rule 4 of the Central Civil Services Examination held by U.P.S.C. in the year 1989. She also assails the letter dated 4.1.1989 (Ex. 'B') issued by the Joint Director Estt(GR), Ministry of Railways (Raiway Board) New Delhi, The applicant has prayed for the following relief.

1. declare that the second provision to Rule 4 of the Civil Services Examination Rules 1989 is illegal, arbitrary, discriminatory unconstitutional and violative of Article 16 of Constitution of India;

(11)

ii) to declare that paragraph (iv) of the letter No.88/E/(GR)1/10/8 dated 4.1.1989 issued by the Joint Director Estt(GR), Ministry of Railways, Railway Board, New Delhi is illegal and unconstitutional;

iii) to direct the Respondents that consequently the Applicant is entitled to appear in the Civil Services Examination being conducted by the UPSC in 1989 and also take subsequent examinations without resigning her appointment in the Indian Railway Accounts Service-Group 'A'

2. The present application was filed in the month of November 1989 and on 28th November 1989, the interim direction was issued to the respondents to allow the applicant to appear in the C.C.S.1989 examination, which was conducted by UPSC. Interim direction was confirmed after hearing counsels of the parties by order dated 12.12.1989.

3. We heard learned counsels for the parties and having given a statement at Bar, that the present application be disposed of as per directions issued by the Hon'ble Supreme Court in the case of <sup>Mohan</sup> ANILKUMAR V/S UNION OF INDIA, AIR, 1992, SC pg. 1. The learned counsel for the applicant however, prays, that the applicant's seniority be directed in view of the observations made by the Hon'ble Supreme Court in 143 of the report cited above.

4. In view of the facts and circumstances of the present application, the application is disposed of in terms of the judgement of the Hon'ble Supreme Court referred to above with the direction, that the respondents shall give ~~him~~ her the same seniority which has been ordered to be given by the Hon'ble Supreme Court to similarly placed candidates who took the examination. In the circumstances, the parties to bear their own costs.

J. P. Sharma  
29.6.82  
(J.P.SHARMA)  
M/J

u/s  
(M.Y.PRIOLKAR)  
M/A

sr