

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 844/99

DATE OF DECISION: 11.10.1999

Shri Nirmal Kumar Bhatt and others Applicant.

Shri D.V.Gangal Advocate for  
Applicant.

Versus

Union of India and others. Respondents.

Shri V.S.Masurkar. Advocate for  
Respondent(s)

CORAM

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri D.S. Baweja, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to  
other Benches of the Tribunal?
- (3) Library.

*R.G. Vaidyanatha*  
(R.G. Vaidyanatha)  
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:844/99

MONDAY the 11th day of OCTOBER 1999

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri D.S.Baweja, Member (A)

1. Shri Nirmal Kumar Bhatt  
Residing at  
Railway Quarter No.G-20/A  
Railway Colony, Manmad,  
Dist. Nasik.
2. Shri Ram Kumar Singh  
Residing at  
Railway Quarter No.D-19  
Railway Colony, Manmad,  
Dist. Nasik.
3. Shri Ashok Jalbarao Narwade  
Residing at  
Railway Colony  
Akola.

...Applicant

By Advocate Shri D.V.Gangal

V/s

1. Union of India through  
The General Manager,  
Central Railway.  
Head Quarters Office,  
Mumbai CST,  
Mumbai.
2. Divisional Railway Manager  
Bhusawal Division,  
Central Railway,  
Bhusawal.

...Respondents.

By Advocate Shri V.S.Masurkar.

ORDER (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman)

This is an application filed by the applicants under Section 19 of the Administrative Tribunals Act 1985. Respondents have filed reply. We have heard both counsel regarding admission and interim relief.

2. The applicants are aggrieved by the issuance of notification dated 23.8.1999 under which the Railway administration has called for selection for forming a panel of 18 posts (16 general, Nil SC, 2 ST) for promotion in the grade of Rs.6500 - 10500. The applicant's grievance is about the Scheduled Castes candidates vacancy mentioned as 'Nil' in the notification and the administration is proceeding ahead with fresh panel inspite of the currency of the panel dated 3.4.1998.

The respondents contended that there is no post for Scheduled Caste candidate as on today and therefore the applicants have no grievance about the notification dated 23.8.1999.

3. The learned counsel for the applicants relied upon the earlier judgement which was delivered by us on 9.1.1998 in OA 752/98 and connected cases. The same counsel are now appearing before us today and argued their respective case and relied on previous order.

4. Previous OA was also filed to implement the panel dated 3.4.1998. Our earlier order is that administration should confine to first eight Scheduled Caste candidates in the panel. Then discretion given to the administration to consider remaining Scheduled Caste candidates in the panel beyond serial No.8, if in case any vacancy arises, during the currency of the panel.

In our view this case is squarely covered by our order dated 9.11.1998. The matter cannot be re-agitated by filing fresh OA by the applicants.

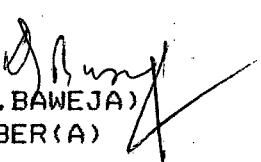
5. We are not impressed with the arguments of the learned counsel for the applicant that the panel should be implemented even beyond serial No.8 as per the previous order. We have given specific direction that the final panel is confined to only first 8 Scheduled Caste candidates. The later part of the order is only to give discretion to the administration to consider other Scheduled Caste candidates in the panel, if they deem fit. There is no mandatory direction to the administration that all the remaining Scheduled Caste candidates in the panel to be appointed.

.....Present prayer in the application cannot be considered in view of the judgement in the previous case. We cannot sit in appeal or review our order passed on 9.11.1998. Therefore in the facts and circumstances of the case we hold that prayer in present OA is completely covered by order dated 9.11.1998 in OA 752/98 and the matter cannot be re-opened.

6. It is also seen that first applicant is since promoted during the pendency of the OA. This seems that the respondents are fair to the applicant even after filing the OA. First applicant has been considered and issued promotion order on 13,9,1999.

7. After hearing both counsel we do not find any merit in the OA in view of the order dated 9.11.1998 passed in the previous OA. Therefore the present OA is not maintainable and has to be rejected at the admission stage.

8. In the result the OA is rejected at the admission stage. No order as to costs.

  
(D.S.BAWEJA)  
MEMBER(A)

  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN