

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 964/99

DATE OF DECISION: 31/01/2001

Shri Anand Muthupandi . Applicant.

Shri K.B.Talreja

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

Shri V.S.Masurkar

-----Advocate for
Respondents.

CORAM:

Hon'ble Smt. Shanta Shastri Member(A)

1. To be referred to the Reporter or not? / NO
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library. ✓

Q-9
(SHANTA SHASTRY)
MEMBER(A)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:964/1999
DATED THE 31 DAY OF Jan. 2001**

CORAM: HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Shri Anand Muthupandi,
S/o.M.Muthu Pandian,
T.No.01575761, Smithy Shop,
Matunga Workshop of Central Railway,
under Chief Workshop Manager,
Mumbai - 400 019.

... Applicant

By Advocate Shri K.B.Talreja

V/s.

1. Union of India,
Through the General Manager,
Central Railway Mumbai CSTM.
2. The Chief Workshop Manager,
Central Railway, Matunga Workshops,
Matunga, Mumbai - 400 019.
3. Smt.Ranjana
Wd/o M.Muthu Pandian
C/o.Shri Govind Vasudev Pillai,
Sampakil Chawl, Dattarai Nagar,
Behind Sankar Temple,
Golihar Road,
Ghatkopar (W),
Mumbai - 400 086.

... Respondents

By Advocate Shri V.S.Masurkar

(ORDER)

Per Smt.Shanta Shastry, Member(A)

The applicant has sought a direction to the respondents to appoint him against any of the Group 'D' posts on compassionate grounds and to saddle the cost of this petition on the respondents.

2. I have given careful hearing to the learned counsel for both the parties.

3. It transpires that the applicant had filed OA.No.991/97 with identical prayer as in the present OA. It was disposed by this Tribunal on 24/7/97 as being premature because the applicant

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had made a representation on 13/3/97 and had filed the OA on 29/4/97. The respondents were however directed to consider the applicant provided he is in the zone of consideration according to Rules. The applicant then filed CP No.49/98 on 7/9/1998 stating that inspite of his pursuing the matter with the respondents through personal visits, letter of advocate no action had been taken by the respondents to post him and the respondents were not sincere in honouring the judgement and were adopting delaying tactics. The respondents filed their written statement and pointed out that they had complied with direction of the Tribunal by passing a speaking order dated 25/3/99 and it was duly served on the applicant by Registered post on the same day.

4. The CP was then heard on 11/10/99 and the Tribunal passed the following order: "The matter cannot be treated as contempt. In view of this rejection, in the present case the applicant gets fresh cause of action. He can challenge the order dated 25/3/99 according to law."

5. The applicant has now filed the present OA without actually impugning the letter dated 25/3/99. There is only a passing reference to para 5 of the said letter in para VII of his OA. It does not state what was the direction on the C.P. The applicant had not filed even a copy of the order on the CP nor a copy of the letter dated 25/3/99. It was only during the pleading of respondents that the issuing of letter dated 25/3/99 was disclosed. The applicant thus failed to impugn the very letter which gave him the fresh cause to file the present OA.

6. There is no prayer in the OA to quash the letter dt. 25/3/99. This being so OA cannot stand by itself without

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reference to the letter of 25/3/99 and the order of the Tribunal dated 29/4/97.

7. Hence without going into the merits of the case the OA is dismissed. I, however, do not order any costs. The applicant is at liberty to take up the cause afresh as per law. costs. He is at liberty to take up the cause.

Shanta S-

(SHANTA SHASTRY)
MEMBER(A)