

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.No.42/2001 in
OA No.527/99.

27/6/2001

Heard Shri D.V.Gangal on CP-42/2001. Shri
V.D.Vadhavkar for Respondents.

OA-527/99 was decided on 24/12/99. The
operative part of the judgement reads as
follows:-

In the circumstances, the present OA is allowed. I direct that in terms of the aforesaid submission made by the respondents, the claim of the applicants for being recruited/regularised under the aforesaid notification may be considered along with others who are similarly placed. The aforesaid notification has been issued way back on 29/8/97. It is not clarified whether the aforesaid vacancies mentioned in the notification have been filled up or are still lying vacant. In the circumstances, I direct that the respondents will take up the issue of filling up the aforesaid vacancies if not already filled up as also further vacancies if thereafter have arisen and proceed to grant recruitment/regularisation in terms of the notification. This be done expeditiously and within a period of three months from the date of the service of this order on the respondents. It is directed that respondents will not fill up the aforesaid vacancies by recruiting outside candidates in preference to the candidates such as applicants and others similarly placed. No orders to costs.

2. The respondents failed to comply with the said order and have also replied to the representation vide letter dated 8/2/2000, Annexure A-3. The defence raised by the respondents is that vide order dated 30/9/98, Annexure R-1, the selection was kept pending,

...2.

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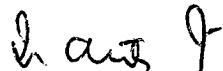
and instructions dated 9/10/98 and

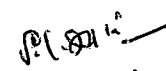
notification in compliance thereof on 20/5/99.

These were not the defences of the respondents in reply to the OA, Hence at this stage, such defences cannot be permitted to be raised by the respondents.

3. We order that the respondents should reconsider the applicants ~~not~~ ignoring the Order dated 30/9/98 and a further notification dated 20/5/99. This exercise be completed within a period of two months from today and the report be submitted to the Bench. In case of failure to do so, the Divisional Railway Manager, Bhusawal S.O. Burahate should be present in the Court personally.

List the case on 31/8/2001.


(SHANTA SHASTRY)
MEMBER(A)


(S.L. JAIN)
MEMBER(J)

abp