

Sh. K.N. Mundekar, B
C & W. D.V. Gangal Ddy

OA 34/90

CRW
(Sh. Subodh Joshi, Ddy)

I

1 23-1-90 TO

2-3 6-2-90 TO

3-4 8-3-90 TO

25-4-90

Registrar's Court order

5 25-10-90

PT

24-11-93

PT

25-1-94

PT

13-4-94

PT

6 6-7-94

PT

13-7-94

TO

11-10-94

PT

6-7 2-12-94

TO / withdrawal

Coor. Harsh Sh. M R. Kolhatkar mcs

Harish Sh. D.C. Verma mcd

Index is enclosed herewith

II

1-2 23-1-90

3-4 30-1-90

5 22-1-90

6 13-2-90

7 —

Notice issued to Rwpdb for
Attn

Security sheet B on

Circulation sheet A or

Copy of order dt. 6-2-90 issued
to parties

Notice return for applicant

ny
2/14

DD removed for Rs 50/-

8827

(Part D)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

NEW BOMBAY BENCH.

ORIGINAL APPLICATION NO: 34 OF 1990

BETWEEN :

Keshva N. Moundekar

.. Applicant

Vs.

Union Of India & Another

.. Respondents

I N D E X

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Date Of Filing :

Registration No. :

(K. N. MOUNDEKAR)

APPLICANT.

Central Administrative Tribunal, New Bombay Bench Received application on 22/1/90 By Haniq Stamp No 33/90 5805 Per Registrar
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Tribunal's Order:

Dated: 23.1.1990

Heard Mr.D.V.Gangal for the applicant. The applicant is working as Chief Ticket Inspector on ad hoc basis since 1.7.1985 at Balharsha in Nagpur Division of the Central Railway. He had appeared for the written test and viva voce in 1984-85 which was held for selecting persons for the post of Chief Ticket Inspector, but that selection was cancelled. Another selection for the same post was held by issuing the notification dt. 11.4.1989, but the applicant was not called for that selection. A panel is published on 29.11.1989 and the entry against the name of the applicant in remarks column shows that he is reverted and posted vice Sl.No.13 i.e. Mr.R.K.Mast. The entry against the name of Mr.K.J.R.Naidu^{who} was not in the panel published on 29.11.1989, shows that he i.e. Mr.Naidu is promoted and posted vice the applicant. According to the applicant Mr.Naidu is junior to him. The applicant is a Scheduled Caste candidate and he is serving on ad hoc basis since 1.7.1985. Hence we pass the following order:

1. The application is admitted.
2. Issue notices to the respondents to file their replies before the Registrar on 8.3.1990 with a copy to the applicant or his advocate.
3. As regards interim relief, in view of the facts narrated above we direct that the applicant should not be reverted from the post of Chief Ticket Inspector ad hoc till 7.2.1990, provided he is not actually reverted.
4. Keep this case on 6.2.1990 for deciding whether the above interim relief should be continued further or vacated. Respondents be asked to bring the relevant record on that date and to file a brief reply, if possible.
5. Hamdast allowed.

(M.Y.PRIOLKAR)
MEMBER (A)

(M.B.MULUMDAR).
MEMBER (J).

Notices are issued to
all Respond on 23.1.90
MS 23/1/90 (BY hand)

DB.

(2)

Office Notes, Office Memorandum, of
Coram, Appearances, Tribunal's Orders
of directions and Registrar's Orders

Tribunal's orders

Stamp No 33/90

Per Tribunal

Applicant filed

Circulating on 23/1/90

OA 69/88
which is pending yet.

Dated: 6.2.90.

Heard Mr. Gangal for the
applicant and Mr. Subodh Toshi
for the respondents.

We have given the relevant
facts in ^{our} order dated 23.1.90. In
para 3, we had directed that the
applicant should not be reverted
from the post of Chief Ticket
Inspector ad hoc till 7.2.90,
provided he is not actually
reverted.

Now, the record, made
available to us by the respondents,
shows that the applicant is
reverted on and from 20.1.90.
Mr. Gangal submitted that the
applicant was on leave from
20.1.90 to 25.1.90 as Chief
Ticket Inspector. But it is
our experience that whenever
a person is reverted, he either
goes on leave or avoids service
of reversion order.

Conjd.

Contd.

(3)

It is our view that a person on leave can be reverted.

The record further shows that the applicant was posted vice Mr. R.K. Mast, Asstt. Chief Ticket Inspector at the very same station, and the said Mr. Mast has taken over at Nagpur as Asstt. Chief Ticket Inspector on and from 22.1.90. Hence, the interim relief was not at all effective. For avoiding confusion, we vacate it.

Order dttd. 6.2.90
Send to parties
on 13.2.90.

Abdod

The application is already admitted and the respondents were directed to file a reply before the Registrar on 8.3.90. That date stands.

P. S. Chaudhary (P.S. Chaudhary) M(A)
M.B. Mujumdar (M.B. Mujumdar) M(7)

Dated: 8.3.90.

1. This case has come before me today as the Deputy Registrar is not available.

Contd.

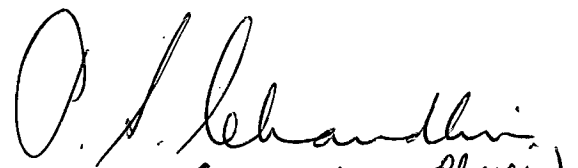
Contd.

(11)

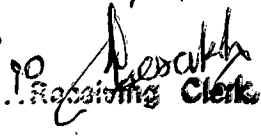
2. None present for the applicant, Mr. D.N. Dadilwal, Law Assistant in the Office of Respondents No. 2 is present.

3. Mr. Dadilwal prays for some more time to file their reply. This is agreed to.

4. S.O. to 25.4.90 before Deputy Registrar for reply & directions. The applicant need not be present on that date.


(P.S. Chaudhri)
MCA)

Received reply to the application
from Respondents in OA/IA No. 34/90
by hand/post on... 25.4.90

Date... 25/4/90 
Receiving Clerk

O.A.34/90.


Date : 25-4-1990.

Mr. D.V. Gangal, Advocate
appears for the applicant.

Mr. Subhodh Joshi, Advocate
appears for Respondents. Respondents
have filed their reply on 6.2.1990
and has served copy of the same on
the advocate Shri Gangal on the same
date.

Since the reply of Respondents
has been filed in the matter, the
matter has become ready for hearing.
However, it is not possible to fix
hearing date in the near future on
account of other old pending urgent
matters. This matter is, therefore,
kept on Sine-die list.

Mr. Joshi says that at the time
of fixing the date of hearing notice
may be issued to Respondent No. 2.
Notice may also be issued to the
applicant.


Dy. Registrar.

PER TRIBUNAL

DE.

25-10-93

As per direction of the
Hon'ble Vice Chairman dated
24.8.93, the matter is taken
up from Sine-die List. Fixed
for Final Hearing on 24-11-93
Issue notices to the parties
as per order dated 25-10-90

COURT OFFICER

notice issued to applicant
& R.M. 2 on 4/11/93.

3
11

Per Tribunal

Date:

24/11/93

Applicant in person / by
Advocate / Respondent by
Council.

D.V. Gangad

S. J. S. M.

The matter adjourned to

for final hearing

Dy. Registrar

Per Tribunal

Date:

25/11/94

Applicant in person / by Mr. Gangad
Advocate / Respondent by Mr. Subodh Jadhav
Council. For want of time

The matter adjourned to 13/4/94
for final hearing

Dy. Registrar

Per Tribunal

Date:

13-4-94

Applicant in person / by Shri D.V. Gangad
Advocate / Respondent by Shri Subodh Joshi
Council. By consent

The matter adjourned to 6/7/94
for F.H.

Dy. Registrar

Per Tribunal

Date: 6/9/94

Applicant in person / by

Advocate / Respondent by

Council.

The matter adjourned to
for

Dy. Registrar

13.9.1994.

None for either parties.

S.O. 11/10/1994.

M.R. Kolhatkar

(M.R. KOLHATKAR)

MEMBER(A)

(B.S. HEGDE)

MEMBER(J)

Per Tribunal

Date: 11/11/94

Applicant in person / by Mr. Gangal

Advocate / Respondent by Mr. S. Joshi

Council. For want of time

The matter adjourned to 21/12/94

for final hearing

Dy. Registrar

Date: 2.12.94

Oral Judgement: (Per M.R. Kolhatkar)
M(A)

Mr. D.V. Gangal for the
applicant and Mr. Subodh Joshi
for the respondents.

Mr. Joshi produces a
copy of pursis for withdrawal
dt. 25.1.94 because the
claim of the applicant

contd.


(7)

has been satisfied.

Copy of the same is taken
on record.

O.A. is disposed
of as withdrawn.

UTL


(D.C. Verma)
M(J)

M.R. Kolhatkar
(M.R. Kolhatkar)
M(A)

Order/Judgement despatched
to Appellant/Respondent(s)
on 27/1/95


9/1/95