

Sh. K.N. Mundekar, B.
C 84. D.V. Gangal, Ady.

OA-34190.

CRW
(Sh. Subodh Joshi, Ady)

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
13-9-94 TO
6-7 11-10-94 TO /withdrawal
2-12-94

Court: Haveli Sh. M.R. Kolhatkar M.C.B.
Hon'ble Sh. D.C. Verma M.D.

Order is enclosed herewith.

II 1-2 23-1-90 Notice issued to Repub for
3-4 30-1-90 A/c
5 22-1-90 Scrutiny sheet B on
6 15-2-90 Circulation sheet A on
7 - Copy B order d/w. 6-2-90 issued
to parties
Notice return for application

My
2/11

DD reserved for Rs 50/-

(Post P)

882

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

NEW BOMBAY BENCH.

ORIGINAL APPLICATION NO. 210 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 22.11.90
By Hand / Post
Group No 33/90
882 5905
Per Registrars

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.MUIJNDAR).
MEMBER(J).

Notices are issued to
all Respondents on 23.1.90
NB (By Hand)
23/1/90

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

Application filed
OA 69/88
which is pending yet.

Admitting on - 23/1/90

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.

Concl.

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 dtd. 6.2.90
Send to parties
on 13.2.90.

St. No. 1

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

O. P. Chaudhuri (P. S. Chaudhuri) (M. B. Majumdar)
M(A) M(T)

Dated: 8-3-90.

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

contd.

Contd.

(W)

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.

O. V. Chaudhuri
(P.S. Chaudhuri)
(M.A.)

Received reply to the application
from Respondents in OA/IA No. 26/90
by hand/post on... 25.4.90

Date... 25/4/90 *Subodh Joshi*
Receiving Clerk

O.A.34/90.

Date : 25-4-1990.

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

Mr. Subodh 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.

[Signature]
Dy. Registrar.

PER TRIBUNAL

DT.

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 25-10-93.

SOMY B.
COURT OFFICER

Notice issued to applicant & R.m.d on 4/11/93.

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11

Per Tribunal Date: 24/11/93
Applicant in person / by D.V. Gangal
Advocate / Respondent by S. JOSHI
Counsel. The matter adjourned to 25/11/93
for final hearing
Dy. Registrar

Per Tribunal

Date: 25/11/93

Applicant in person / by Shri D.V. Gangal
Advocate / Respondent by Shri Subodh Joshi
Counsel. For want of time
The matter adjourned to 13/12/93
for final hearing

Dy. Registrar

Per Tribunal

Date: 13-12-93

Applicant in person / by Shri D.V. Gangal
Advocate / Respondent by Shri Subodh Joshi
Counsel. By consent
The matter adjourned to 6/1/94
for F.H

Dy. Registrar

SOMY

Per Tribunal

Date: 6/9/94

Applicant in person / by D. V. Gangal
Advocate / Respondent by S. T. Joshi
Counsel. By Consent
The matter adjourned to 13/9/94
for PLT

S. B. She
Dy. Registr.

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: 11/10/94

Applicant in person / by Mr. Gangal
Advocate / Respondent by Mr. S. T. Joshi
Counsel for want of time
The matter adjourned to 21/12/94
for final hearing

Dy. Registr.

Date: 2.12.94

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

Mr. D.V. Gangal for the

applicant and Mr. Subodh Joshi
for the respondents.

Mr. Joshi produces a

copy of power for withdrawal

dt. 25.1.94 because the

claims of the applicant

contd.

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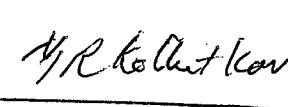
has been satisfied.

Copy of the same is taken
on record.

O.A. is disposed
of as withdrawn.

VIC


(D.C. Verma)
M(J)


(M.R. Kolhatkar)
M(A)

~~Order/Judgement despatched
to Appellant/Respondent(s)
on 5/1/95~~
M.2/KWY


M.2/KWY