

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH.

Original Application No. 37 /92.

S.D.Pathak.

.... Applicant.

v/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,  
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri S.P.Kulkarni.  
Respondents by Shri Karkera.

Tribunal's Order:-

¶Per Shri M.S.Deshpande, Vice-Chairman Dt.4.4.1994.

Heard counsel for the parties. No interim order was sought for the examination held in 1991. Another examination is to be held on 10.4.1994. Prima facie, the applicant has put in more than 240 days of service. We therefore direct the Respondents to permit the applicant to appear provisionally for the competitive examination to be held on 10.4.1994 for the outsider quota. The result of the applicant will be withheld until the final disposal of this case.

The M.P. is disposed of.

M.R.Kolhatkar.

(M.R.KOLHATKAR)  
MEMBER(A)

B.

  
(M.S.DESHPANDE)  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 37 OF 1992 AND 38 OF 1992.  
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Date of Decision : February 02, 1995.

Shri Sunil Digambar Pathak,  
Shri Bharat Sadashiv Sonavane

Petitioner in OA No. 37/92.  
Petitioner in OA No. 38/1992

Shri S. P. Kulkarni,

Advocate for the  
Petitioners

Versus

Union Of India & Others,

Respondents

Shri S. S. Karkera for  
Shri P. M. Pradhan,

Advocate for the  
respondents

C O R A M :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri M. R. Kolhatkar, Member (A).

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

  
(B. S. HEGDE)  
MEMBER (J).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO.:37 OF 1992.

Sunil Digambar Pathak ... Applicant

Versus

Union Of India & Others ... Respondents.

ORIGINAL APPLICATION NO.: 38 OF 1992.

Bharat Sadashiv Sonavane ... Applicant

Versus

Union Of India & Others ... Respondents.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J)

Hon'ble Shri M. R. Kolhatkar, Member (A).

APPEARANCE :

1. Shri S. P. Kulkarni,  
Counsel for the applicant.
2. Shri S. S. Karkera for  
Shri P. M. Pradhan,  
Counsel for the Respondents.

ORAL JUDGEMENT :

DATED : FEBRUARY 02, 1995.

¶ Per.: Shri B. S. Hegde, Member (J) ¶.

1. Heard the arguments of Shri S.P. Kulkarni,  
Counsel for the applicant and Shri S.S. Karkera for  
Shri PM. Pradhan, Counsel for the respondents.

2. The Learned Counsel for the applicant, Shri Kulkarni draws our attention to the Full Bench decision of the Tribunal in G. Manjunath & Others v/s. the Post Master General, Bangalore & Others [O.A. No. 1155 to 1168 of 1989] decided on 19.04.1991. According to him, the facts of this case is fully covered by the decision of the Full Bench and he wanted the Tribunal to pass the following order :-

"The respondents be directed to allow the applicant to appear in the examination to be held on 10.04.1994."

Accordingly, the applicant has been allowed to appear in the examination provisionally vide Tribunal's Order dated 04.04.1994, the results of which are not yet declared. The applicant's Counsel further submits that if the applicant fails to qualify, then he may be given two more chances to qualify and if he qualifies, he may be absorbed and his services be regularised in the cadre of Postman or Group 'D' Cadre as per dictum of the Full Bench.

3. It is stated by the Learned Counsel for the Applicant ~~Respondents~~ that the service of the applicant may not be terminated, pending declaration of the results of the examination. However, they may be given work on casual basis if any vacancy exists.

4. In the light of the above, the O.A. is disposed of. No order as to costs.

M.R.Kolhatkar

(M. R. KOLHATKAR)

MEMBER (A).

B.S.Hegde

(B. S. HEGDE)

MEMBER (J).