

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 606/93

17/4/2001
Date of Decision: ~~7/4/2001~~ 12/8

A. S. Baxi & Anr.

Shri G.S.Walia

Applicant.

Advocate for
Applicant.

Versus

Union of India & Anr.

Shri Ravi (for Shri P.M.A.Nair).

Respondent(s)

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. B.N.Bahadur, Member (A),

Hon'ble Shri. S.L.Jain, Member (J).

- (1) To be referred to the Reporter or not? Yes
- (2) Whether it needs to be circulated to other Benches of the Tribunal? No
- (3) Library? Yes

B.S.
(B.N. BAHADUR)
MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 606 / 1993.

Dated this 17th day of April, 2001. (17/4/01)

Coram: Hon'ble Shri B.N. Bahadur, Member (A),
Hon'ble Shri S.L. Jain, Member (J).

1. A.S. Baxi,
2. Smt. H.F. Surani,
Both working as Hours
of Employment Regulations
Inspector Gr. III,
Western Railway,
Churchgate,
Mumbai - 400 020.Applicant.
(By Advocate Shri G.S. Walia)

Vs.

1. Union of India through
General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. The Chief Personnel Officer (IR),
Western Railway,
Churchgate,
Mumbai - 400 020.Respondents.
(By Advocate Shri Ravi for
Shri P.M.A. Nair).

: ORDER :

[Per Shri B.N. Bahadur, Member (A)]

This OA is now before us for "decision on merits in the light of the aforesaid observations and in accordance with law", as directed by the Three Member Bench of this Tribunal. The background, in brief, is that this OA was heard at length by us and we had submitted the matter to the Hon'ble Chairman of the Tribunal requesting him to *constitute a larger Bench to* decide the question posed by us. The question posed was as follows:

"Whether the mere fact that a select panel has been exhausted, by promotion of all those who are in the panel, bars the Administration, or the Tribunal, from cancelling the panel, even where it has justifiable reasons for doing so?".

4. Learned Counsel for the Respondents stated that all points had been covered earlier in the order through which the matter had been referred to the Principal Bench, and the Division Bench had already gone through and seen the original records. All opportunity has been given and referred in the matter has been provided and arguments on behalf of the Respondents have been made earlier. There is no new point which is remaining to be argued and Learned Counsel for the Respondents stated that Learned Counsel for Applicant was only re-arguing the points. The only point of doubt was the one referred to the Larger Bench Shri Ravi contended. He, therefore, pleaded further that since the Larger Bench has now decided the only issue of doubt, the OA deserves to be dismissed.

5. We have carefully considered the arguments now made also, on behalf of both sides. The arguments raised above by Learned Counsel for Applicant have all been raised substantially earlier, when the matter was argued and these have been dealt with and covered in detail in our order dt. 21st June, 2000. In fact, it has been clearly stated by us that in para 13 of that order that we have perused all the papers in the case including the original file produced and the matter has been gone through in detail. It is rightly contended that the only point of doubt that had remained was referred to the Full Bench and the Hon'ble Full Bench has now decided the issue, as pointed out above.

B.S.

6. In the circumstances, the relief sought by the applicant in this OA cannot be granted. Consequently, the OA is hereby dismissed, with no orders as to costs.

S.L.Jain
(S.L.JAIN)
MEMBER (J)

B.N.Bahadur
(B.N.BAHADUR)
MEMBER (A). 17/4/01

B.