

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 933/94

Transfer Application No:

DATE OF DECISION: 21.10.1994

Shri Chandra Bhushan & Anr. Petitioner

Shri M.S.Ramamurthy Advocate for the Petitioner

Versus

Union of India & Ors. Respondent

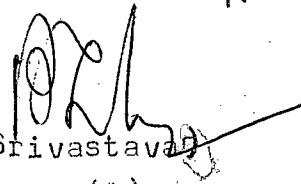
Shri V.S.Masurkar Advocate for the Respondent(s)


CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

1. To be referred to the Reporter or not ? *m*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *m*


(P.P.Srivastava)
Member (A)


(M.S.Deshpande)
Vice Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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OA.NO. 933/94

Shri Chandra Bhushan & Anr.

... Applicants

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri M.S.Ramamurthy
Advocate
for the Applicant

Shri V.S.Masurkar
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 21.10.1994

(PER: M.S.Deshpande, Vice Chairman)

We have heard the learned counsel at some length.
The learned counsel for the respondents Shri Masurkar has
filed an order apparently ad valentiam by the Principal
Bench in OA.NO. 1104/94 decided on 31.8.1994 Arun Kumar
Gupta & Anr. Vs. Union of India & Ors. which contains the
following directions :-

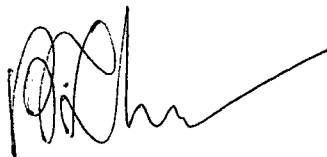
- "(1) That the recruitment rules has since been
finalised as well as notified by the
respondent on 6.8.94. The respondents
shall follow ~~it~~ in letter and spirit for
promotion as per aforesaid extent Rules
(Annexure A-1).
- (2) The respondents undertake to draw the seniority
list of the Executive Engineers, P&T (Civil)
within 2 months after merging two grades
Assistant Engineer and Assistant Executive
Engineers at the level of Executive Engineer
and the draft seniority list shall be published
and circulated among the concerned officers
inviting objections from them, if any.



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- (3) The respondents may, however, give promotion as an interim measure on the basis of the draft seniority list strictly on the basis of seniority, subject to final seniority list and that such promotees shall be informed that they are liable to be adjusted or even reverted on the basis of the final seniority list to be notified after the decision of the objections as said above.
- (4) No promotion will be made by the department during this period of finalisation of the seniority list in para 2 above.
- (5) However, it is to make it clear that the promotions made till today on any basis whatsoever on adhoc basis temporary basis or on current charge shall not be affected and all such promotions shall be subject to the above para (3) and the out come of the final seniority list."

2. Shri A.I.Bhatkar appears for one of the interveners and urges that this order will pre-judicially affect to the interveners, ad-hoc Executive Engineers and that the order passed by the Principal Bench finally disposing of the OA. prejudicially affects him. It is clear that the present applicants were not parties to the OA. which was decided by the Principal Bench but the directions will cover their case also. If the applicants feel aggrieved, then the remedy for them would be to approach the Principal Bench by filing a review application proposing modification in view of the Judgement of Full Bench in John Lucas & Anr. vs. Additional Chief Mechanical Engineer, S.C. Railway & Ors. Full Bench Judgements (CAT) page 135. In view of the order passed by the Principal Bench, we dispose of the present application as the matter has already been considered and decided by the Principal Bench but grant liberty to approach the Principal Bench, if ~~they~~ so advised for modification or clarification of the order that has been passed. No orders on M.P. for intervention.



(P.P.SRIVASTAVA)

MEMBER (A)



(M.S.DESHPANDE)

VICE CHAIRMAN