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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.682/95

Dated this Wednesday the 17th Day of October, 2001.

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

Hon'ble Smt.Shanta Shastry, Member (A).

1. Mr.C.Y. Ahire,
Chargeman B (adhoc),
Parel residing at
Kárunga Colony, Ganesh Nagar,
Section 25, Ulhasnagar,
District Thane.
2. Mr.M.B. Bagul,
Chargeman B (adhoc),
Central Railway Loco Workshop,
Parel, residing at
Krishna Nagar, Gokul Colony,
Room No.1119, Section 25,
Ulhas Nagar-4, Dist. Thane.

.. Applicants.

(By Advocate Shri S.N. Pillai)

VERSUS

1. Union of India, through
the General Manager,
Central Railway,
Victoria Terminus,
Bombay-400001.
2. The Chief Workshop Manager,
Central Railway Loco Workshop,
Parel, Bombay-400012.

.. Respondents.

(By Shri K.R. Yelwe, proxy Counsel
for Shri V.S. Masurkar, Counsel).

ORDER (Oral)

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J).

This O.A. has been filed by the two applicants as far back as 10.7.1995 in which they have prayed that the selection proceedings for the post of Chargeman 'B' be

declared as null and void and to further declare that they are eligible and entitled to be considered for selection to the post of Chargeman 'B' in the Fitter Trade Group. Today, the case has been listed for final hearing. Shri S.N. Pillai, learned counsel for the applicant, has fairly submitted that ~~the~~ two other similar OAs had been filed some time back which have since been ~~disposed~~ ^{by} disposed of by the Tribunal. Learned counsel has further submitted that perhaps for this reason the applicants have not contacted him for several years i.e. after filing the O.A. till date and he is, therefore, not in a position to make any further submissions in the matter. In the circumstances of the case, learned counsel has submitted that the O.A. may be disposed of at the discretion of the Tribunal. However, learned proxy counsel for the respondents has nothing to say in the matter.

2. It is noted that the respondents have filed their reply on 31.8.1995 and no rejoinder has also been filed by the applicants to refute the averments made by them. The respondents have submitted, inter-alia, that the selection in question has been finalised and panel of one employee has been declared vide Office Memo dated 12.7.1995 which has been operated and acted upon. It is, ^{further} ~~However~~, relevant to note that there is no interim relief granted in this application, as prayed for by the applicants. In the circumstances of the case and noting

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the submissions made by learned counsel for the applicants, we see no good grounds to interfere in the matter or to unsettle the settled position with regard to the finalisation of the selection in question for promotion to the post of Chargeman 'B'. It cannot also be held that the stand taken by the respondents is either illegal or arbitrary, to set aside the selection proceeding or to grant other reliefs, as prayed for by the applicants in para 8 of the O.A.

3. In the result, for the reasons given, we find no merit in the application, the O.A. is dismissed. No order as to costs.

Shanta F-

(Smt. Shanta Shastry)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice Chairman (J).

H.