

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 666/97.

Date of Decision: 15.01.1998.

N. M. Kabir,

Applicant.

Shri K. B. Talreja,

Advocate for
Applicant.

Versus

Union Of India & Anr.,

Respondent(s)

Shri Suresh Kumar,

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R. G. Vaidyanatha, Vice-Chairman.

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

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to *W*
other Benches of the Tribunal? *W*

R. G. Vaidyanatha
(R. G. VAIDYANATHA)

VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 666 OF 1997.

Dated this Thursday, the 15th day of January, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

N. M. Kabir,
Head Train Examiner,
under C.W.S.,
Kalyan C. Railway. | ... Applicant

(By Advocate Shri K.B. Talreja)

VERSUS

1. Union Of India through
General Manager,
Central Railway,
Mumbai C.S.T.,
Mumbai - 400 001.

2. The Divisional Railway
Manager,
Central Railway,
Mumbai C.S.T.,
Mumbai - 400 001.

... Respondents.

(By Advocate Shri Suresh Kumar)

: ORAL ORDER :

| PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN |

This is an application filed by the applicant seeking a direction to the Respondents to promote him with effect from 13.10.1993 when his punishment period expired. The respondents have filed reply opposing

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the application. Heard both the sides.

2. In the written statement, the respondents have conceded in para 25 that the applicant's case of promotion has been initiated but due to some administrative reasons, the same is not yet finalised. Even in para 26 of the written statement it is clearly mentioned that the case of the applicant has been taken note of by the administration and the selection of the applicant under modified selection is under active consideration by the respondents.

The Learned Counsel for the applicant submitted that in view of the statements made by the respondents in para 25 and 26 of the reply, he will be satisfied ^{if} the respondents are given a direction to consider the case of the applicant for promotion within a specified period. Even the learned counsel for the respondents submitted that his client has no objection to consider the case of the applicant as per rules within such time as may be fixed by the Court. Having heard both the sides, we feel that a period of two months would be just and reasonable.

3. In the result, the O.A. is disposed of at the admission stage with a direction to the respondents

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to consider the claim of the applicant for promotion on the basis of modified selection procedure as per rules within a period of two months from the date of receipt of this order. Needless to say that if any adverse order is passed, it is open to the applicant to challenge the same according to law. No costs.

M.R. Kolhatkar
(M.R. KOLHATKAR)

MEMBER (A).

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.

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OA 666/97 (9) Dated: 22.10.1999

Shri K.B.Talreja counsel
for the applicant. Ms. Gulhane for
Shri ~~Sh~~esh Kumar counsel for the
respondents.

Heard counsel for the parties.
Perused the papers. It is seen from
the written statement that the order
has been complied with. The applicant
may have grievance, ~~but~~ the remedy
~~for~~ that does not lie in CP.

⑥ C.P. 32/98 is therefore
discharged. Liberty to all the
~~but~~ remedies available under the law,
in case ~~of~~ any grievance with the
order passed by the respondents.

SLJ/
(S.L.Jain)
Member (J)

B.N.Bahadur
(B.N.Bahadur),
Member (A)

NS

Order 22/10/99
order/..... As matched
to Applic..... on 11/11/99
on 11/11/99

25/11/99