

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

TRIBUNAL'S ORDER IN O.A. NOS.: 381/98 AND 368/91.

Dated : 06.05.1998.

In O.A. No. 331/98 this Tribunal has passed an ex-parte order on 13.04.1998 directing the respondents to permit the applicants to appear in the written test scheduled to be held on 18.04.1998 but their results should be kept in the sealed cover.

In O.A. No. 368/98 filed on 24.04.1998 there is a prayer for interim relief to permit the applicants to appear in the supplementary written test to be held by the respondents.

2. We have heard with the counsels-for Shri Suresh Kumar for the applicants in O.A. No. 331/98, Shri M.S. Ramamurthy for the applicants in O.A. No. 368/98 and Shri V.S. Masurkar for the respondents, for some time. There are many disputed ~~on the~~ questions of law ^{and fact} to be decided in this O.A., which cannot be decided at this stage.

3. As far as the first case - O.A. No. 331/98 is concerned, we have already granted an ad-interim order as mentioned above, which has to be continued till further order or till the disposal of the O.A. At this stage we cannot now decide whether the applicants in this case would be entitled to be considered for regularisation or regular promotion unless we decide the O.A. on merits.

As far as the second case - O.A. No. 368/98 is concerned, the applicants admittedly did not apply for in response to the advertisement issued in January 1998. Further, they did not even approach this Tribunal before the examination which was held on 18.04.1998. They have approached this Tribunal much later by filing this application on 24.04.1998. Hence, we feel that no interim order can be granted in favour of the applicants in this case. If however they succeed in the O.A. and establish that they have a right to be called for the written test, then they can ^{persu} stress the Tribunal at the time of final disposal to direct the respondents to hold a special test for them. That question is left open, which will be heard and disposed of at the time of final hearing. The question of permitting the applicants in O.A. No. 368/98 to appear in the supplementary examination that may be held, does not arise, since the applicants did not approach this Tribunal prior to the holding of the examination on 18.04.1998. The supplementary examination will be held due to certain contingencies and the applicants in this case ^{can} do not get benefits of the same.

4. For the above reasons, the ad-interim order dated 13.04.1998 passed in O.A. No. 331/98 is made absolute till further order or till the disposal of the O.A. No interim relief in O.A. No. 368/98.

Since the question of promotion of the applicants is there, particularly in view of the earlier decision of the Tribunal, we direct that both the O.A.s should be heard expeditiously at the admission stage. Place both the O.A.s. for admission and final hearing on 04.08.1998.

Liberty to the applicants in both the cases to file rejoinder, if any, within six weeks from today.

(P.P. SRIVASTAVA)
MEMBER (A).

(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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Reply of Respondent
Received

Mo

order/Judgment despatched
to App. Respondent(s)
on 5/6/98

9/6/98

pt. sec. of/c in on 33/198