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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 649 of 2004

Jabalpur, this the 13th day of August, 2004

Hon'ble Shri M.P. Singh, Vice Chairman

Mustafa Kanai Ahmad, S/o.
Noor Ahmad, aged about 44 years,
R/o. Qr. No. 957, RTS Colony,
Bilaspur, (CG).

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India,
Ministry of Railway (Railway Board)
Through its Chairman,
Rail Bhawan, New Delhi.
2. The General Manager,
South East Central Railway,
Bilaspur.
3. The Chief Personnel Manager,
South East Central Railway,
Bilaspur.
4. The Divisional Railway Manager,
South East Central Railway,
Bilaspur.

... Respondents

O R D E R (Oral)

The learned counsel for the applicant has submitted that although the matter relates to Division Bench, but in case of urgent matter, it can be heard by a Single Bench.

In support of his claim he has relied on Appendix III of Central of Practice Administrative Tribunals Rules/1993, wherein the Hon'ble Chairman has ordered vide order No. 1/32/87-JA, dated 20th January, 1992, that "in exercise of the powers conferred by sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985, I hereby make the following order : In situations when a Division Bench is not available for dealing with urgent cases for admission and grant of interim orders, and the urgency is such that the matter cannot be deferred until a Division Bench becomes

[Signature]

available, the Single Member Bench is authorised to take up such urgent cases for admission and grant of interim orders subject to the condition that if the Single Member is not inclined to admit the matter he shall refer the matter for being placed before the appropriate Division Bench as soon as the same becomes available."

2. After hearing the learned counsel for the applicant and keeping in view the urgency of the matter and the fact that the interview is going to take place on 17th August, 2004, I admit this matter.

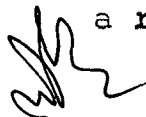
3. By filing this Original Application the applicant has claimed the following main reliefs:

"(ii) set aside the selection of Law Assistant held on 14.3.2004,

(iii) direct the respondents regularize the applicant as Law Assistant,

(iv) treat the applicant as Law Assistant from the date of initial promotion as adhoc LA with all consequential benefits."


4. The brief facts of the case are that the applicant is presently working as Law Assistant on adhoc basis in the pay scale of Rs. 6500-10500/- in the office of Senior DPO/SEC Railway, Bilaspur for last about 8 years against a clear and existing vacant post. The respondents have now conducted selection for appointment of the Law Assistants and the result of the written test has already been declared and the interview is proposed to be held on 17th August, 2004. The adhoc appointment of the applicant was made on the basis of a selection held. The learned counsel for the applicant has also submitted that since the applicant was appointed on adhoc basis after holding a regular selection he is entitled for appointment as



Law Assistant on regular basis. To support his claim he has relied upon the judgment of the Calcutta Bench of the Tribunal in OA No. 557/1991 decided on 17th April, 2001. He has also submitted that the applicant has submitted a representation to the respondents pointing out certain irregularities committed in the selection made by the respondents for the post of Law Assistants. The respondents have yet not taken any decision on his representation dated 10.8.2004 (Annexure A-9). Hence he has filed this OA claiming the aforesaid reliefs.

5. In the circumstances, I deem it appropriate to direct the respondents to consider and decide the representation of the applicant dated 10.8.2004 (Annexure A-9) before finalising the selection of the post of Law Assistant by passing a speaking, detailed and reasoned order and communicate the same to the applicant. I do so accordingly

6. Accordingly, the Original Application stands disposed of at the admission stage itself.


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठान्त से ओ/व्या..... जलपुर, दि.....
वृत्तिविरति: अर्को मिलत:-

- (1) राखित, उच्च न्यायालय द्वारा एपेलीट, जलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के काउंसल S. Paul
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल

(4) कोषाध्यक्ष, के.प्र.अ., जलपुर जलपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार


16-8-04

Issued
On 16.8.04
BS