

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

RA No.133/90 in

O.A. No. 2232/89

~~TA No.~~

199

DATE OF DECISION 11-1-91

Shri Gopal Singh

Petitioner

Shri B.B.Raval

Advocate for the Petitioner(s)

Versus

Union of India & ors.

Respondents

Shri P.P.Khurana

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. F.K.KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. P.C.Jain, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

ORDER

(Order of the Bench delivered by Hon'ble
Mr. P.K.Kartha, Vice Chairman)

This petition has been filed by the original applicant in OA 2232 of 1989 seeking review of the order dated 8.8.1990 passed by the Tribunal on the question of interim relief. The main relief sought in OA 2232/89 is that the impugned order dated 27.10.1989 whereby the promotion of the petitioner as Field Officer(F.O) was cancelled, be quashed. By way of interim relief, he has prayed that the operation of the impugned order of reversion be stayed and that the respondents be directed not to obstruct him in the discharge of his daily duties.

2. On 5-12-1989, when the main application came up for admission and interim relief, the learned counsel for the petitioner stated that the petitioner had

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not joined the lower post pursuant to the impugned order. In view of this, the Tribunal directed that status quo be maintained till 17.1.1990. After considering the rival contentions, the Tribunal observed in its order dated 8.8.90 that the issues involved required detailed examination and, therefore, the application was admitted. However, the interim order passed on 5-12-1989 and continued thereafter, was vacated with the observation that in case the petitioner succeeds in the main application, he will be entitled to all the monetary benefits.

3. The review of the aforesaid order dated 8.8.1990 has been sought on several grounds including the following:-

- i) The petitioner had been found fit for promotion by the D.P.C of 1989 and the respondents had issued an order on 16.8.1989 promoting him to the post of Field Officer;
- ii) Reversion without following the due process of law under Article 311 of the Constitution is violative of the Fundamental Right of the petitioner guaranteed under Articles 14, 16 and 21 of the Constitution; and
- iii) The respondents have sought to misguide the Tribunal on the alleged disobedience of the petitioner for not joining at Parva from Tezu on temporary posting and instead reporting at New Delhi.

4. The contention of the respondents is that the promotion of the petitioner was to take effect from the actual date of joining the new post at Headquarters and only after the petitioner had been relieved on promotion-cum-transfer to Headquarters

New Delhi. According to ^{or}them, he has not been formally relieved from Tazu to join the Headquarters. The contention of the petitioner is that he was relieved with oral instructions to report to Headquarters, New Delhi, in pursuance of which he joined at Headquarters, New Delhi on 26.9.1989 on promotion as Field Officer.

5. The interim relief and main relief sought in the application are substantially the same. We reiterate our observation made in our order dated 8-8-1990 that in case the petitioner succeeds in the main application, he will be entitled to all monetary benefits. In our opinion, the proper course would be to hear the main case on the merits expeditiously. Accordingly, RA 133/90 is disposed of with the direction that JA 2232/89 be heard finally on the merits expeditiously. List for further directions/final hearing on 28.1.1991 at 2.30 PM.

Clean
(P.C.JAIN)
MEMBER(A)

Amund
(P.K.KARTHA)
VICE CHAIRMAN(J)