

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.204/90

New Delhi, This the 21st Day of October 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri Babalal Bhikha Makwana  
R/o A/6 326 Bucharwada  
Diu 362520.

...Applicant

By Shri B.N.Singhvi, Advocate

Versus

1. Administration of Daman & Diu through the Chief Secretary Union Territory of Daman & Diu Secretariate, Daman.
2. The Education Secretary Union Territory of Administration of Daman & Diu Collectorate Daman.
3. The Collector of Diu, Diu
4. Shri V.D.Kussorker, Teacher Gr.I, Govt Higher Secondary School Diu.
5. State of Goa through its Chief Secretary Directorate of Education, Goa.

...Respondents

By Shri D K Sinha, Advocate

O R D E R (oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

1. In the application, applicant has claimed for quashing and setting aside the selections made by the departmental promotion committee which met on 22.1.90 for the post of Head Master Government Higher Secondary School on regular basis. The applicant's plea was that respondent No.4 was not eligible for consideration as he had opted for cadre in another territory.
2. The applicant and respondent No.4 were employed

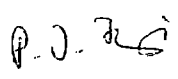
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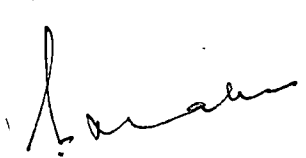
in the Union Territory of Goa, Diu and Daman. Later Goa was taken out of the Union Territory and carved out as a State. Options were invited from the employees for being absorbed in the State of Goa or to remain in the Union Territory of Diu and Daman. Respondent No.4 opted for Goa while the applicant opted to remain in the Union Territory. The applicant's plea in the application was that since respondent No.4 had opted for the State of Goa he was not eligible to be considered for promotion in the Union Territory of Daman.

3. The options given by the employees were required to be considered by a Committee. The Committee could accept any option or reject it. The Committee met on 29.9.89 and rejected the option of respondent No.4. Respondent No.4 accordingly continues to be in the Union Territory of Daman and Diu.

4. In the counter affidavit it has been stated that now the applicant and respondent No.4 both have been considered for promotion to the higher post and they have been actually promoted and regularised. This position was not disputed by the learned counsel for the applicant.

5. In view of the above, the application has become infructuous and is dismissed as such. There shall be no order as to costs. Interim order if any operating shall stand discharged.

  
(P.T. THIRUVENGADAM)  
Member(A)  
21-10-94

  
(S.C. MATHUR)  
Chairman  
21-10-94

LCP