

O. A. No. 152/86

✓ (1)

G.P. Bvc. - (J) - 293 - 75000-9-83.

Spl. H. C. C. D., 46E.

Def. Central Administrative Tribunal

District: Rayat.

Stamp No.

Advocate Mr. D. H. Bhatt.

Office Note, if any, (Party in Person)

Prays for interim relief.

~~CIVIL~~ APPEAL
~~11111~~ No. 146 of 1986
APPLICATION

(Under _____ Act)
(Art. _____) of the

Constitution of India)

To be admitted to the File.

This day of 1986

Assistant Registrar

Court's Order

~~Heard the applicant~~

Heard the applicant. No interim relief is claimed. However the applicant should issue notice to the respondents that they should file their reply to the main application within one month from the receipt of such notice. Along with the notice, a copy of the application and a copy of this order should be sent. The applicant is

⑥ is at liberty to move the Tribunal for fixing the date of hearing as soon as the matter becomes ready.

15-4-86.

B. C. Hedgik
(B. C. Hedgik)
V. C.

O.A. No. 152/86

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Member

23.7.'86

The applicant is not present. It transpires from the record that the applicant was supposed to serve the notices upon the respondent. However, there is nothing on the record that such service has been effected. Hence pending scrutiny and admission. Issue notice to the respondents returnable on 19th September, 1986.

Amge
(P.M. Joshi)
Member

Pheng
(P.H. Trivedi)
Vice Chairman

(2)

O.A./152/86

CORAM : HON'BLE MR. P.H. TRIVEDI .. VICE CHAIRMAN
HON'BLE MR. P. M. JOSHI .. JUDICIAL MEMBER

19.9.'86

The learned advocate Mr. P.N. Ajmera for Mr. J.D. Ajmera for the respondent appears, and states that notice has been served and he is ready with the reply which he is due to file. The case is adjourned to 13th October, '86 for further directions.

Phani
(P.H. TRIVEDI)
V.C.

Jm
(P. M. JOSHI)
J.M.

(3)

O.A. No. 152/86

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member.

13/10/86

of
Mr. R.J. Oza files vakalatname on behalf Mr. D.H. Bhatt.
Mr. J.D. Ajmera for the respondent is also present. The
case is adjourned to 17th November for filing reply with
notice to the applicant.

Phen
(P.H. Trivedi)

Vice Chairman

JM
(P.M. Joshi)

Judicial Member

(4)

O.A. /152/86

CORAM : HON'BLE MR. BIRBALNATH .A. M.
HON'BLE MR. P.M. JOSHI .J.M.

MR. R.J. OZA .. Advocate for the
applicant.
MR. J.D. AJMERA. Advocate for the
respondents.

17.11.1986

Counsel for the both parties are present. The respondent has already filed the written statement. Mr. Oza seeks time for filing re-joinder. The case is accordingly adjourned to 9.12.1986 for further directions and filing of the re-joinder.

✓ 17/11/86

(BIRBALNATH)
A.M.

(P.M.
J.M.



17/11pm;

(6)

O.A./152/86

Coram : Hon'ble Mr P H Trivedi .. Vice Chairman
Hon'ble Mr P M Joshi .. Judicial Member

24/2/1987

Mr Oza learned advocate for the applicant applies for adjournment. Rejoinder filed may be taken on record. The case is adjourned to 20th - June, 1987 for hearing.

20-6-87 - Saturday

so

fixed on 23-6-87 F.I.H.

Phewr
(P H Trivedi)
Vice Chairman

Jm
(P M Joshi)
Judicial Member

(7)

O.A./152/86.

Coram : Hon'ble Mr P Srinivasan .. Administrative Member
Hon'ble Mr P M Joshi .. Judicial Member

23/6/1987

Applicant himself present in person. Mr. PN Ajmera for Mr JD Ajmera for the respondents present. For want of time the case is adjourned to 7.8.1987, for final hearing.

23/6/87

(P Srinivasan)
Administrative Member


(P M Joshi)
Judicial Member

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member

20.8.1987

Miss. Bunna Dutt learned advocate for Mr. R.J. Oza for the applicant appears and requests for time. Allowed. Mr. P.N. Ajmera for Mr. J.D. Ajmera learned advocate for the respondent has no objection. Adjourned to 28th October, 1987 for final hearing.


(P.H. Trivedi)
Vice Chairman


(P.M. Joshi)
Judicial Member

(9)

O.A./152/86

Dayashanker H. Bhatt,
 "Shri Gayatri Sadan",
 5, Dholaria Nagar,
 Nr. Brahman Boarding,
 Rajkot.

... Petitioner

(Advocate - Mr. R.J. Oza)

Versus

1. Secretary,
 Department of Revenue,
 North Block,
 New Delhi - 110 001.

2. Collector of Customs,
 & Central Excise,
 Near City Guest House,
 Rajkot.

... Respondents

(Advocate - Mr. J.D. Ajmera)

CORAM : Hon'ble Mr. P.H. Trivedi : Vice Chairman
 Hon'ble Mr. P.M. Joshi : Judicial Member

O R A L - O R D E R

05/12/1988.

Per : Hon'ble Mr. P.H. Trivedi : Vice Chairman

Heard learned advocates Mr. R.J. Oza and Mr. C.H. Shah for Mr. J.D. Ajmera for the petitioner and respondents respectively. After hearing the learned advocates, in the circumstances of the case, the following directions would be appropriate.

The petitioner's case is that on reinstatement, the period of service which should have been taken into account for considering his case for promotion and the record on the basis of which the Selection Committee should have made recommendation thereto were not considered because on the date when recommendations were made, the petitioner was dismissed from service and the subsequent order of reinstatement giving effect to it from earlier date had not been made. He,

therefore, now limits his claim only to consideration for promotion on the basis of the record of service as on the date on which his juniors were promoted. The post of Inspector being admittedly a selection post, the Departmental Promotion Committee and the Appointing Authority have to consider all the circumstances of the case and have to pass necessary orders which are legal and valid. There is no disclosure that any sealed cover procedure was adopted and D.P.C. when it met considered the petitioner's case on the basis of record of the petitioner. Accordingly, the respondent authorities are directed to remit the case of the petitioner for considering of promotion on the basis of his record of service during the relevant period when his juniors were promoted and make a decision regarding the petitioner within a period of four months from the date of this order by passing a speaking order which should be also consider the consequential benefits.

With the aforesaid observation and directions, the case is disposed of. There will be no order as to costs.



(P.H. Trivedi)
Vice Chairman



(P.M. Joshi)
Judicial Member