

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 13 of 1986
T.A. No.

DATE OF DECISION 5.9.'86

MR. CHANDULAL S. Petitioner

MR. B. M. MANGUKIA Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondent

MR. K. K. SHAH Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. TRIVEDI (Vice-Chairman)

The Hon'ble Mr. P. M. JOSHI (Judicial Member)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

Per: Shri P. H. Trivedi

JUDGMENT

The applicant's case is that he has been reverted vide an order dated 7.4.'86, from the post of T.N.C. to a post in Class IV cadre, inspite of people junior to him being retained in Class III cadre. In his reply, the respondents have stated that no order of reversion has been passed. This statement has also been made by the learned advocate for the respondents during the hearing of the case. Inspite of this, the learned advocate for the applicant has expressed his apprehension that he is either already reverted or is being reverted, and wants us to quash the order dated 7.4.'86, while at the same time disputing the validity of the order and the competence of the authority to pass it. We find that the respondent has already conceded that as on date, there is no reversion of the applicant and in the face of the statement made by the respondent, both in his written statement and submissions during hearing, by his learned advocate, there is now no question that any order of reversion stands which needs to be considered to be in need of quashing.

The second relief that the applicant has asked for is for restraining the respondent from reverting the applicant from his present post - TNC. While noting that the applicant has not been reverted at present, there is no warrant for restraining the respondent from taking any action regarding the applicant, as is justified by facts and rules in future. In the nature of things, no party can be debarred from taking any action so far as the future is concerned. The applicant wants that the respondent should not restrain the applicant from performing his duties in Class III cadre as T.N.C. He concedes that his promotion is ad hoc, although he has pleaded at length in his

application that others similarly promoted on ad hoc basis are being retained in the post although junior to him. The respondents have disputed the right of the applicant to be retained in the promotion post as his promotion has been ad hoc. In view of the fact that the ad hoc nature of promotion is admitted and the respondent has clearly stated that there has been no reversion of the applicant, it is not necessary to go into the merits of the case of the applicant vis-a-vis others stated to be junior to him who are still being retained in the promotion posts. There is no cause at present, and no relief is necessary. The application therefore fails and is dismissed. No order as to costs.

Dhruv
(P. H. TRIVEDI)
Vice - Chairman

Swami
(P. M. JOSHI)
Judicial Member