

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

XXEXWXXDXEXLXX

AHMEDABAD BENCH

O.A. No. 119. OF 1987  
xExAxxNxDATE OF DECISION 07/02/1991

Smt. V.H.Shah

Petitioner

Shri J.J.Yagnik

Advocate for the Petitioner(s)

Versus

The Central Board of Trustees &amp; Ors. Respondent

Shri P.M.Raval

Advocate for the Respondent(s)

## CORAM :

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

The Hon'ble Mr. R.C.Bhatt : 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?

Smt. V.H.Shah,  
21/245, Adarshnagar,  
Opp. Naranpura Police Station,  
Nava Wadaj.  
Ahmedabad - 13.  
(Advocate : Shri J.J.Yagnik)  
Versus

....Applicant.

1. The Central Board of Trustees,  
C/o. Central Provident Fund,  
Commissioner, 9th Floor,  
Mayur Bhavan, Connaught Circle,  
New Delhi - 110 001.

2. The Central Provident Fund Commissioner,  
9th Floor, Mayur Bhavan,  
Connaught Circle,  
New Delhi - 110 001.

3. The Regional Provident Fund  
Commissioner, Gujarat State,  
Bhavishyanidhi Bhavan,  
Nr.Income Tax Circle,  
Ahmedabad - 9.

(Advocate : Shri P.M.Raval ) .... Respondents.

Coram : Hon'ble Mr.P.H.Trivedi : Vice Chairman  
Hon'ble Mr.R.C.Bhatt : Judicial Member

ORAL ORDER

Date : 07/02/1991

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

Heard the petitioner in person in the absence of ~~her~~ <sup>his</sup> advocate. No reply has been filed. The petitioner urges that by virtue of the directions given in O.A./611/88 and OA/610/88, her seniority over the juniors Shri M.B.Bhatt has been decided in her favour by a letter dated 28th June, 1990, and thereafter no reply for her seniority has been received at all. The promotion granted to her junior although described as purely temporary and ad-hoc, has been continued since 1984 and cannot ~~be~~ therefore, be considered as purely temporary. The petitioner during the course of the hearing stated that she does not pray for any other relief except the promotion from Class III to Class II

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in the petition. She undertakes to file an application in the Registry stating that relief under para VI(A) of the petition is not asked for. ~~This judgement will be operative subject to her doing so and from the date of her application to that effect.~~

*P.C.B.*

We have noted that the seniority of the petitioner's services has been decided in her favour by the decision of the Central Provident Fund Commissioner dated 28th June, 1990. There is no reasons why the petitioner should not have considered and given promotion on the same basis on which her juniors named in the petition were allowed such a promotion. There is no justification for over looking her on the basis of the promotion being purely fortuitous or temporary in the circumstances in which the ad hoc promotion of her juniors has continued for so long. Accordingly we find the petition has merits to the extent of allowing the petitioner monetory benefits of the promotion from the same date from which her juniors have been promoted and such monetory benefits together with other consequential benefits of promotion, we allow to the petitioner by this direction. Such benefits and deemed promotion of the petitioner from the said date will continue until the juniors are continued on the ad hoc promotion. The case is accordingly disposed of.

*R.C.B.*  
( R.C.Bhatt )  
Judicial Member

*P.H.T.*  
( P.H.Trivedi )  
Vice Chairman