

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

Ahmedabad

O.A. No. 143
Ex-AxxNxx

1987

64

DATE OF DECISION 18-7-1990

Shri Sukhilal Punabhai Parghi Petitioner

Mr. D. M. Thakkar Advocate for the Petitioner(s)

Versus

Union of India & Another Respondent

Mr. B. R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M. M. Singh : Administrative Member

The Hon'ble Mr. N. R. Chandran : Judicial Member

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

:-2:-

Shri Sukhilal Punabhai Parghi,
 Har har Gange Nivas,
 9 Junction Plot, Rajkot.

Applicant

versus

1. Union of India through the
 General Manager, Western Railway,
 Bombay-400020.
2. Divisional Manager, Western Railway,
Rajkot.

Respondents

Coram:

Hon'ble Shri M.M.Singh

Adm. Member

Hon'ble Shri N.R.Chandran

Judl. Member

18-7-1990

JUDGMENT

Per: Hon'ble Shri N.R. Chandran, Judicial Member.

This is an application challenging the non-promotion of the applicant to the post of Assistant Personnel Officer. The applicant avers in the application that the non-promotion was due to an adverse remarks against which he had already made a pre representation to the competent authority on 24-9-1986 and the representation is still pending.

The application submits that because of the adverse remark and because of the delay in the disposal of

his representation, he had been deprived of his promotion. The counsel for the respondent submits that the promotion made in this case is only an adhoc promotion and therefore the applicant cannot claim the same as a matter of right. In the facts and circumstances of the case, we are of the view that the following directions would meet the ends of justice. The 2nd respondent to whom a representation had been filed on 24-9-86 against the adverse remark should dispose of the same within a period of two months from the date of receipt of a copy of this order. The counsel for the applicant should also forward a copy of this order along with a copy of the applicant's representation dated 24-9-1986 to the 2nd respondent within a period of 15 days from the date of receipt of a copy of this order. If

ultimately on consideration of the representation, the adverse remark is expunged, the applicant's case may be considered for further promotion on merits. O.A.143/87 is ordered accordingly. But there will be no order as to costs.

N.R. Chandran

(N.R. CHANDRAN)
JUDICIAL MEMBER

M.M. Singh

(M.M. SINGH)
ADMINISTRATIVE MEMBER