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O.A./400/87

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

21/8/1987

Heard learned advocates Mr GA Pandit for the applicant and Mr RM Vin for the respondents. The impugned orders of promotion involved transfer ~~to~~ ^{resorted} the petitioners which they have resorted. It is appropriate that such a case is heard by a two members' bench as it is not a simple case of transfer and the relief sought also involves the question of promotion. This case may be posted on the Board of 24th August, 1987 for admission.

Phenr
(P H Trivedi)
Vice Chairman

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

24.8.1987

Heard the learned advocates Mr.G.A.Pandit and Mr.R.M.Vin for the applicants and the respondents respectively. The petitioners' case is that the impugned order of promotion dated 6.7.1987 is not a case of promotion but actually an order of transfer and the said order requires specifically to vacate the quarters. The petitioners do not want to refuse promotion but are obliged to resist their transfer. They state that although promotion could be given to them in their present station i.e. Valsad their juniors are being promoted and they are being promoted and transferred outside Valsad. Having heard the learned advocates, we do not find any substance in the plea that the promotion order yields any cause. The petitioners are free to refuse promotion if they so like. So far as the dispute regarding seniority in OA/28/86 renumbered as OA/46/86 is concerned, this question will be taken care of in that case. With this observation, the petition stands dismissed.

Trivedi

(P.H.Trivedi)
Vice Chairman

Joshi

(P.M.Joshi)
Judicial Member