

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

: Vice Chairman

Hon'ble Mr. P.M. Joshi

: Judicial Member

4/2/1988

Mr.Ganesan the applicant requests for time. Allowed.

Mr.R.V.Deshmuk learned advocate for respondent No.6

and Mr.J.D.Ajmera learned advocate for the respondent

present. The case be fixed on 7th April, 1988 for

admission and on interim relief other relief is denied
previously.

Pravin

(P.H.Trivedi)
Vice Chairman

JM

(P.M.Joshi)
Judicial Member

a.a.bhatt

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

7/4/1988

Heard Mr.D.V.Mehta for Mr.B.P.Tanna and Mr.R.V.Deshmukh learned advocates for the applicant and the respondent No.6. The main submission made by the petitioner is not as soon as by the judgment on 10/12/1987 in TA/3/1986 was delivered. The respondents passed the order at Annexure 3 dated 14.12.87 relieving the petitioner of the additional charge of officiating the Divisional Accountant and appointing respondent No.6 to hold that additional charge. This was done without any ostensible administrative interest in view because the respondent No.6 is neither any more qualified to hold such a charge nor was the petitioner sought to be replaced by regularly appointed Divisional Accountant. The petitioner has also sought to establish the bias of the respondent authorities by placing this order in the context of the action of transferring the petitioner and visiting him with adverse remarks which are not brought on the record. Against this on behalf of the respondent No.6, learned advocate Mr.Deshmukh has stated that the petitioner has sought to pursue relief regarding his grievance in this case which were the subject matter of cases which have been already decided upon. The petitioner has sought plural reliefs which are barred under Rule 10 of the Administrative Tribunals Rules and his challenge regarding the so called panel is also barred by limitation. Learned advocate for the petitioner has stated that he is not pressing regarding relief in respect of the panel because this is a policy matter. The only issue therefore is whether there is a fresh cause of action and whether the admission of the petition is justified on the basis thereof in respect of the order of reversion dated 14/12/1987 at Annexure 3. We do not

find that the petitioner has been able to pursue us regarding there being any cause of action giving rights to admissibility of this petition. The impugned order is not an order of reversion as he was not holding the substantive post of Divisional Accountant and the relevant order dated 7/6/1980 had only in terms merely made by the officiating arrangement by way of entrusting the duties to the petitioner in addition to his own duties. This administrative arrangement has been sought to be replaced and substituted by the fresh administrative arrangements spelt out in the order dated 14/12/1987. So far as bias of the respondent authority is concerned there need be no judicial pronouncement or decision for the reason that the respondent is fully competent to issue relevant orders in the light of the appreciation of the administrative exigency in which the suitability of the petitioner to continue for holding a particular post is included. The petitioner has urged that he can be accommodated against two posts which are vacant at Ahmedabad and Gandhinagar. The respondent authorities will no doubt pass appropriate orders regarding the appointment of the petitioner on merits without holding any adverse view regarding the petitioner for pursuing such cause or grievance he may have pursued in the Tribunal. Learned advocate for the petitioner has not pressed his challenge to the so called panel.

With this observation, we do not find that the petition has any merit for admission and it is rejected. Mr.J.D.Ajmer learned advocate for the respondent not present.

Phir

(P.H.Triyedi)
Vice Chairman

Joshi
(P.M.Joshi)
Judicial Member