

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

**C.P. 51 of 2001 with
M.A. 271/2004, M.A. 272/2004 and
M.A. 283/2004 in O.A. 285 of 1992**

Date of Decision : 18-08-2004

Mrs. Sujata Sharadchandra Bam : Applicant(s)

Mr. K.K. Shah : Advocate for the applicant(s)

Versus

Union of India & Ors. : Respondent(s)

Mr. N.S. Shevde : Advocate for the respondent(s)

CORAM:

Hon'ble Mr. A.S. Sanghvi : Member (J)

Hon'ble Mr. Shankar Prasad : Member (A)

ORDER (ORAL)

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

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Sujata Sharadchandra Bam
Widow of S.G. Bam
Retired HGC/ASV.
32, Chandralok Society,
Cadila Road, Ghodasar,
Ahmedabad- 380 050

Applicant

Advocate : Mr. K.K. Shah

Versus

1. Union of India,
Notice to be served through
Shri V.D. Gupta,
Or his successor,
W.R., Headquarter office,
Church Gate,
Bombay.
2. Shri N.K. Dewani,
or his successor,
Divisional Commercial Superintendent,
W.R., Ahmedabad.
3. Shri M.M. Singh,
Sr. Divisional Commercial Superintendent,
Divisional Office, Pratapnagar,
Baroda.
4. Shri A.K. Pandey,
W.R., D.C.M. Ahmedabad Division
Divisional Office, Kalupur
Ahmedabad.
5. Shri R.D. Meena,
Sr. D.C.M. W.Rly, Pratapnagar,
Baroda.

Respondents

Advocate : Mr. N.S. Shevde

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ORDER (ORAL)

C.P. 51 of 2001 with
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And M.A. 283/2004 in O.A. 285 of 1992

Date: 18.08.2004

Hon'ble Shri A.S. Sanghvi : Member (J)

Heard Mr. Shevde learned counsel for the respondents.

2. The C.P. was moved by the applicant complaining about non-implementation of the order passed in the O.A. 285/1992. While disposing of the O.A. vide order dated 01.11.2000 this Tribunal had directed the respondents to grant all consequential benefits including promotion, if any, due to the applicant and revision of Pensionary benefits, etc in accordance with the rules, instruction of the respondents. The applicant had complained that these directions were not implemented by the respondents.

3. The respondents had however pointed out in their reply that the applicant was extended the benefit of arrears and revision of Pensionary Benefits and therefore no ground survives for contempt. The applicant had however agitated the question of adhoc promotion to his junior Mr. P.Y. Salunke as Chief Goods Supervisor in the scale of 2000-3200 and complained that he was denied the promotion on the ground that he was not in the service on that

date. According to him the direction of giving the consequential benefit and promotion included the directions for adhoc promotion also.

4. The respondents had however pointed out that Mr. P.Y. Salunke was required to be given adhoc promotion in view of the interim direction given in O.A. 241/87 following the interim direction of the Mumbai Bench of CAT and that this interim direction continued till 1993. Mr. P.Y. Salunke was given adhoc promotion in view of the fact that SC/ST quota of 15 % and 7 $\frac{1}{2}$ % was over and General Caste candidates were required to be promoted to satisfy the quota requirement and therefore, in view of interim direction given, adhoc promotion was extended to Mr. Salunke. However, when interim direction was vacated, Mr. Salunke had already retired from service and therefore, no order reverting him to his previous post could be passed. It was also pointed out that only about 12 months period of adhoc promotion was enjoyed by Mr. Salunke and that was only a fortuitous circumstance of implementing the interim direction. This however cannot give a right to the applicant to claim adhoc promotion vis-a-vis, Mr. Salunke.

6. We have examined the record of O.A. 241/87 as well as pleadings on record. We have found that Mr. Salunke was given only adhoc promotion and that too only because of interim direction which were subsequently vacated by Mumbai Bench. Under the

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circumstance the applicant cannot be heard to claim that he had become very much entitled to receive the adhoc promotion and by not giving him adhoc promotion the respondents have flouted the order of this Tribunal. The adhoc promotion cannot be claimed by way of right and as such we are in agreement with the submission of the respondents that by not giving promotion to the applicant no orders of this Tribunal had come to be flouted. So far the other directions are concerned it is an admitted position that they have been fully complied with by the respondents and as such no complaint survives. The CP therefore doesnot survive and deserves to be rejected. In the conclusion, therefore, the C.P. is rejected and notice to the alleged contemners stands discharged. Pending M.A.s stands disposed of.

Shankar Prasad
(Shankar Prasad)
Member (A)

A. S. Sanghvi
(A. S. Sanghvi)
Member (J)

KSB.