

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

STAMP No. 457/87  
Q.A.No. O.A.486/  
X.AxXa.

1987  
198

DATE OF DECISION 27.07.1987

Shri R Ramachandra Applicant/s.

Smt. P.R. Shetty Advocate for the Applicant/s.

Versus

Director of Production Respondent/s.

& Inspection of Engg. Equipment Advocate for the Respondent(s).  
New Delhi

CORAM:

The Hon'ble Vice Chairman Shri B.C. Gadgil  
The Hon'ble Member (A) Shri L.H.A. Rego

1. Whether Reporters of local newspapers may be allowed to see the Judgment? *Y*
2. To be referred to the Reporter or not ? *ND*
3. Whether to be circulated to all Benches? *ND*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Stamp No. 457/87

O.A. No. 486/87

Shri R. Ramachandra  
No. 718, 17C Main Road  
4T Block, Jaya Nagar  
Bangalore 560041

Applicant

v/s.

1. Brigadier B R Gulati  
Director of Production  
& Inspection of Engg.  
Equipment, Min. of  
Defence, Kashmir House  
New Delhi 110011.

2. Shri T R R Rao  
Director  
Production  
Unity Bluidg., BEML,  
Bangalore 560002.

3. Brig. V.P. Dhall  
Controller, CIR, Aundh,  
Pune 411027

Respondents

Coram: Hon'ble Vice Chairman B C Gadgil  
Hon'ble Member(A) L.H.A. Rego

Appearance:

Smt. P.R. Shetty  
Advocate  
for the applicant

ORAL JUDGMENT

Dated: 27.7.1987

(per: B C Gadgil, Vice Chairman)

This application was fixed for admission to-day. We have heard Smt. P.R. Shetty, Advocate, for the applicant. In our opinion the application is liable to be summarily rejected for the following reasons:

2. Before 1977, the applicant was working as a Foreman in the respondent's organisation. A Departmental Enquiry was held against the applicant and he was reverted to the lower post of Assistant Foreman. The matter went up to the President and on 28th August 1978, the President passed an order that the said reversion to the post of Assistant Foreman would be for a period of three years with effect from 1.4.1977 and that the applicant would be

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eligible for consideration of promotion from the grade of Assistant Foreman. The order further states that the promotion, if granted, would be a fresh promotion for the purpose of pay and seniority. The applicant was promoted to the post of Foreman in 1984. By this application the applicant wants the restoration of his original seniority after neglecting the above mentioned order dated 28 August 1978. The order dated 28 August 1978 has become final and it would not be open for the applicant now, to contend that the said order be interfered with after a period of about nine years. The order is passed before 1.11.1982 and consequently the Tribunal will have no jurisdiction in that respect. Apart from that, even on merits, the application fails, as, as stated above, the impugned order has been in operation since 1978. The applicant continued to work as Assistant Foreman till 1984 and in that background that there is no good cause for interfering with the order.

The application is, therefore, summarily rejected.

*B C Gadgil*  
( B C Gadgil )  
Vice-Chairman

*L.H.A. Rego* 27.7.87  
( L.H.A. Rego )  
Member (A)