

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

O.A. No.156/87

Pankaj V. Narvekar,
House No.E-90,
Fontainhas, Mala,
Panaji - Goa.

Applicant

V/s

Government of Goa, Daman & Diu
through the Controller of
Weights & Measures,
At & Post Panaji - Goa.

Respondent

Coram : Hon'ble Shri Justice B.C.Gadgil, Vice-Chairman
Hon'ble Shri P. Srinivasan, Member (A)

Appearance

Shri A.L. Kasture for
the applicant

Shri M.I. Sethna for
the Respondent.

ORAL JUDGMENT

Per Shri Srinivasan, Member

Dated : 9.10.1987

This is a rather peculiar case of a young person who was appointed as Inspector of Weights and Measures (Inspector) Daman by the Controller of Weights and Measures (Controller), Government of Goa, by order dated 17.4.1984 and relieved from that post within four months thereof in order to accommodate another person, a certain Shri Somji. Shri Somji was reinstated in service by that order, having earlier been removed from service. While the applicant was appointed as Inspector in the scale of Rs.425-700, Shri Somji who replaced him on reinstatement was appointed in the scale of Rs.330-560. It appears that Somji's services were terminated by order dated 31.3.1984 but on an appeal filed by him, the Appellate Authority

P.S. 69

reinstated him. The applicant was relieved from service as a result of an order dated 30.7.1984 passed by the Controller, Goa, reinstating Somji but stating nothing as to what should happen to the applicant. The applicant handed over charge to Somji in obedience to this order on 13.8.1984 but not having been given any posting, he approached the Controller and it is only thereafter that the latter passed a formal order on 30.10.1984 to the effect that the services of the applicant stood terminated with effect from the forenoon of 14.8.84 and that he would be entitled to a month's pay and allowance in lieu of notice.

2. It is against this order that the application was filed. While this application was pending this Tribunal passed an interim order directing the Respondents to pay salary and allowances to the applicant upto the date of the impugned order i.e., upto 30.10.1984 because the order terminating his services could not be given retrospective effect. Both sides before us confirm that the applicant has been paid salary and allowances upto 30.10.1986 in addition to one month's pay in lieu of notice.

3. Now what remains to be decided is whether the applicant's services were rightly terminated with effect from 30.10.1986 because that has now become the effective date of such termination. The Respondents have asserted in their reply that there is no post in which the applicant can now be appointed and he having been appointed on a temporary

R. S. Rao

basis, his services had perforce to be terminated. If there is no post available we cannot direct the Respondents to reinstate the applicant. However, when the matter was being argued, learned counsel for the Respondents, Shri Sethna, very fairly, in our opinion, made a statement that the applicant being a young man and his services having been terminated for no fault of his, he would advise his clients to accommodate the applicant in the next available post of Inspector in the scale of Rs.425-750 or any other equivalent post in the Department, subject of course to his fulfilling the minimum eligibility conditions. While doing so the Respondents will relax age requirement, if any, in favour of the applicant if that becomes necessary.

4. In view of the above we direct the Respondents to accommodate the applicant in the next vacancy of Inspector or any other equivalent post in the office of Controller of Weights and Measures, Panaji, Goa. The application is disposed of on the above terms. Parties to bear their own costs.


(P.SRINIVASAN)
Member (A)


(B.C.GADGIL)
Vice-Chairman

bsv