

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 522/87

199

TXAXXXNQX

DATE OF DECISION 3.11.1992

Shri D.H.Aher

Petitioner

Shri G.D.Samant

Advocate for the Petitioners

Versus

Gen.Mrg. India Security Press

Respondent

Nashik Road.

Shri V.M.Bendre for Sh.P.M.

Advocate for the Respondent(s)

Pradhan.

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Mr. Usha Savara, Member (A)

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

NO

S.K.Dhaon
(S.K.Dhaon)
Vice Chairman

mbm*

(C)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 522/87

Shri D.H.Aher
V/S.

... Applicant

The General Manager
India Security Press
Nashik Road. & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri G.D.Samant
Advocate
for the Applicant

Shri V.M.Bendre
for Shri P.M.Pradhan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 3.11.1992

(PER: S.K.Dhaon, Vice Chairman)

The grievance of the applicant is that he had not been promoted as Head Checker in accordance with law. But for the ill drafting of the letter of appointment issued in favour of Respondent No.2 which has been filed as Ex.'C' to this application, probably this application would not have been filed. It is an admitted position that on 10.6.1987 a Trade-Test was held by the Departmental Promotion Committee for the purpose of selecting the best candidate to a sole post of a Head Checker. However, the letter dated 21.7.1987 whereby the Respondent No.2 was purported to have been appointed gave the impression that the decision to appoint Respondent No. 2 was taken on 27.1.1987 and 27.5.1987. The position has now been clarified by the production of the relevant record in original before us. A perusal of the same reveals that on 27.1.1987 a decision was taken that whoever is found fit for promotion as Head Checker will be given an appointment with retrospective

effect. On 27.5.1987 a decision was taken that a Trade Test would be held on 10.6.1987. The test was held on the said date. The proceedings of the test show that the applicant and Shri Khan, the Respondent No.2 secured equal number of marks. However, since Shri Khan was senior to the applicant, he was selected for promotion.

2. After perusing the record, we are satisfied that no illegality was committed in the appointment of Respondent No.2. There is, therefore, no force in this application. It is dismissed but without any order as to costs.

Usha Savara
8/11/92.
(MS. USHA SAVARA)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN

mrj.