

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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O.A. NO: 358/87

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DATE OF DECISION

10.7.92

Shri R.K. Pokharna

Petitioner

Applicant in person

Advocate for the Petitioners

Versus

Director General of Inspection Respondent

Min. of Defence, New Delhi-110011.
and others.

Shri A.I. Bhatkar

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~Mr.~~ Ms. 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 ?

U. Savara
10.7.92
(USHA SAVARA)
MEMBER (A)

mbm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 358/87

Shri R.K. Pokharna

... Applicant.

V/s.

Director General of Inspection
(DGI/Adm-10), Govt. of India,
Ministry of Defence (DGI)
DHQ PO NEW DELHI - 110 011

Controller
Controllerate of Inspection
(Military Explosive)
Government of India,
Ministry of Defence (DGI)
KIRKEE, Pune - 411 003.

Shri R.B. Pawade
Controllerate of Inspection
(Military Explosives)
Kirkee, Pune - 411003.

... Respondents.

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

Appearance:

Applicant in person.

Mr. A.I. Bhatkar for
the respondents.

JUDGEMENT

Dated: 10.7.92

Per
Ms. Usha Savara, Member (A)

This application has been filed with the prayer that the placement of Shri R.B. Pawade be declared as wrong and not sustainable, and therefore, be quashed, as Shri Pawade was not eligible for the post of Cashier. It is further prayed that the applicant be placed in the post of Cashier, as he satisfies all the requirements as per rules, and the authorities of CI (ME), Kirkee be stopped from misusing their powers, and their partial attitudes in official functions.

In brief, the facts are that a vacancy arose in the post of cashier, ^{by} ~~on~~ the removal of Shri Sawant on disciplinary grounds. A circular dated 4.12.'86 was issued calling for names of eligible candidates, who were willing for the post of cashier, and fulfilled the required conditions, that of 3 years regular service in the grade of Upper Division Clerk, having at least 1 year's experience in accounts and handling of cash. The applicant also gave his willingness for the post, as he had performed the duties of cashier in the absence of cashier in IME(HEF) Kirkee. He had also assisted the cashier during payments for a period of 6 years. The applicant was also very senior, and prayed that he may be considered for the post. However, one Shri R.B. Pawade was posted. It is the applicant's case that Shri Pawade was not eligible, as he did not have 1 year's experience in handling cash, and he was very junior, and the claims of U.D.C's senior to him were not considered, as their willingness was not called for. His appointment has been made malafide, and he has been shown undue favour. By depriving the seniors of an opportunity, the respondents have violated Article 16(1).

Mr. A.I. Bhatkar, learned counsel for the respondents took us through his counter. He pointed out that willingness of all eligible U.D.C's was called for, and the applicant's case was duly considered by the D.P.C. The applicant's experience in accounts and handling cash was limited to 50 days when the Cashier, Shri Shaikh availed of leave. Shri Pawade, on the other hand, fulfilled the condition having experience in accounts and cash handling during

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February '74 to December '74 and January '76 to December '76. Initially, the Competent Authority appointed him as a step-gap measure, as he had adequate experience. Thereafter, D.P.C. considered the cases of all those U.D.C's who were fulfilling the conditions of eligibility as per certificates/records from Heads of establishment. Shri Pokharna did not satisfy the condition of 1/year's experience in accounts and handling cash, so his case was not considered for placement to the post of Cashier.

We have heard the applicant and the learned counsel at length. The allegations of malafide are vague and unsubstantiated. There is also no violation of Article 16 of the Constitution, as all eligible U.D.C's have been duly considered, and Shri Pawade has been selected as being most suitable.

In the circumstances, the application must fail, as being without merit. The application is, therefore, dismissed as being without merit, with no order as to costs.

Usha Savara
10.7.92
(USHA SAVARA)
MEMBER(A)

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

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