

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(11)

O.A. NO: 721/87

199

~~Toxaxxoxk~~

DATE OF DECISION 13.2.1992

Jayant B. Pataskar

Petitioner

--- Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. V.G.Rege

Advocate for the Respondent(s)

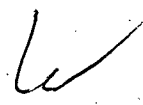
CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, V/C

The Hon'ble Mr. M.Y. Priolkar, M (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 ?

mbm\*

  
( U.C. Srivastava )  
V/C

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

\* \* \* \* \*

(12)

Original Application No.721/87

Jayant Balkrishna Pataskar

... Applicant

V/s

Union of India & Ors.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava  
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

None present for the applicant.

Mr. A.I.Bhatkar, for Mr.M.I.  
Sethna, Counsel for the  
respondents.

ORAL JUDGMENT:

Dated : 13.2.1992

(Per U.C.Srivastava, Vice-Chairman)

By means of this application the applicant has challenged the panel prepared by the Director General of Inspection (Respondent No.2), passed on 9th June, 1987 in respect of promotion to the grade of Junior Scientific Officer. The grievance of the applicant is that the six personnel shown in the panel were junior to the applicant but they have been considered for promotion for Junior Scientific Officer (for short JSO) grade and they have been posted vide the order dated 8th September 1987 and the applicant though senior has not been considered for promotion to the said grade arbitrarily, unjustly and against the principles of natural justice in as much the applicant has been superseded and without getting any opportunity. He has further also challenged his transfer from Bombay to Delhi. It has been stated that he has been posted ~~from~~ in the same capacity from Bombay to Delhi pursuant to the order dated 11th March, 1987, issued by the respondent No.3. The applicant submitted a representation against the same on domestic grounds but no relief

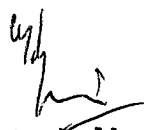
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was granted and that is why he has approached the Tribunal.

2. The respondents have filed their written statement and have resisted the claim of the applicant. The post of Junior Scientific Officer is a promotional post based on selection as is provided in the statutory regulations of SRO 36/82. The applicant was within the zone of consideration and that is why he was also considered by the competent Departmental Promotion Committee. The LPC did not find him fit for such selection and ~~selected~~ juniors ~~because~~ of their records. The LPC was the best judge of making the selection and there is no allegation of favour, bias and malafide against the DPC as such it is not possible for the Tribunal to sit in assessment over the evaluation of the assessment made by the DPC, the record of which has been produced today. The other grievance of the applicant is against the transfer on which it has been stated that the applicant had stayed at Bombay for 15 years and under the provisions laid down in the DGQA letter dated 19.5.82 and amended vide letter dated 13.11.1982 officers (civilian, military, non-gazetted - both technical and scientific) are required to be transferred from one station to another after five years stay in a particular station and the applicant has been staying ~~in~~ Bombay since 1972 and accordingly he was transferred to Delhi under rotational transfer policy. On his request his posting was deferred till 31st July, 1987 and thereafter he was required to move to Delhi and he has reported to the Directorate of Quality Assurance (Naval), New Delhi on 23.11.1987. As the applicant's transfer has <sup>been ordered</sup> ~~become~~ under the transfer policy ~~the transfer cannot be assailed.~~ However, as the ~~respondents themselves~~ have stated that normally after

(14)

five years the rotation is done the applicant is now about completing a period of five years and in case he makes a representation to the respondents for his transfer back to Bombay or elsewhere there appears to be no reason why, in view of the policy, his prayer in this behalf cannot be considered. But for the above observations the application is otherwise dismissed with no order as to the costs.



( M.Y. Priolkar )  
Member(A)



( U.C. Srivastava )  
Vice-Chairman

v/-