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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 591/88
T.A. No. 198

DATE OF DECISION 9.4.1990

Shri S.K.Sangle. Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Another Respondent

Shri S.R.Atre

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y.Priolkar, Member(A),

The Hon'ble Mr. T.S.Oberoi, Member(J).

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 ?

(M.Y.PRIOLKAR)
MEMBER(A).

(14)

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

Original Application No.591/88.

Shri S.K.Sangle.

... Applicant.

V/s.

Union of India & Anr.

... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,
Hon'ble Member(J), Shri T.S.Oberoi.

Appearances:

Applicant present in person and Mr.S.R.Atre for the respondents.

Oral Judgment:-

{Per Shri M.Y.Priolkar, Member(A)} Dated: 9.4.1990

The applicant, who is a Group 'B' Officer in the Central Excise and Customs Department, was placed under suspension on 15.9.1980 on the ground that disciplinary proceedings were contemplated against him. The applicant was, thereafter, prosecuted for an offence under the Customs Act, as also under the Prevention of Corruption Act, but was acquitted on 30.4.1985 by the Special Judge, Greater Bombay. The applicant had also in the meanwhile been served with a show cause notice alleging that he had aided and abetted smuggling activities and thereafter the penalty of Rs.10,000/- was imposed on him under Customs Act, 1962 by order dt. 22.11.1985. However, on his appeal before the Customs Excise & Gold Control Appellate Tribunal, Bombay, his penalty was set aside and a review petition against that order was also rejected. This application has been filed by the applicant praying for quashing and setting aside a further memorandum dt. 4.7.1988 issued to him for certain charges of aiding and abetting smuggling activities and also for directing the respondents to open the sealed cover and give effect to the findings recorded therein.

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2. During the hearing on 22.3.1990 Shri S.R.Atre learned advocate for the respondents had filed before us a copy of an order dt. 14.12.1989 whereby the Disciplinary Authority had dropped the proceedings of the disciplinary inquiry started against him by memorandum dt. 4.7.1988. He had also filed a copy of the order dt. 9.3.1990 by which, according to him, consequential reliefs had also been given to the applicant. The applicant was present on that day. However, he still had some grievance and we had, therefore, directed the applicant to file his objections, if any, in connection with these orders and the case was listed for orders on 9.4.1990 i.e. today for final disposal, if possible.

3. The grievance of the applicant which still survives is that he should be given ad hoc promotion to Group 'A' from the date his junior was promoted on ad hoc basis w.e.f. 14.5.1986. Shri S.R.Atre could not clarify today as to what action is being taken by the respondents to give consequential reliefs to the applicant following his reinstatement. Evidently, the ad hoc promotion on the basis of his seniority would be one such consequential relief although ad hoc promotion does not count for seniority and only monetary benefits will have to be granted, in accordance with the rules, from the date of such ad hoc promotion. However, since even for ad hoc promotion, an assessment about the suitability of the concerned employee has to be made regarding his fitness for such promotion, we direct that the respondents will constitute a Review DPC, if necessary, and consider the applicant for promotion on ad hoc basis from the date his junior was so promoted in accordance with whatever norms or yardsticks are followed by the respondents for such

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promotion. This action should be completed by the respondents latest within two months from the date of receipt of a copy of this order. Misc. Petition No.254/90 as well as original application No.591/88 are disposed of finally with these directions, with no order as to costs.

T.S. Oberoi
(T.S. OBEROI)
MEMBER (J)

M.Y. Priolkar
(M.Y. PRIOLKAR)
MEMBER (A).

Judgment dt. 9.4.90
Send to parties on
25.90.

T. Priolkar
Judgment dt. 9.4.90
served on R.N. 2 of
dt. Nil
no
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