

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

CAT/BOM/Stamp No. 775/88

Shri Virupaksha Guruling Andhalkar,
C/o. Shri Anil Rege,
Advocate,
Sujat Mansion, 1st Floor,
S.V.Road, Andheri(W),
Bombay - 400 058. .. Applicant

vs.

1. Union of India
through
The General Manager,
Central Railway,
Bombay V.T.,
Bombay - 1.
2. Chief Personnel Officer,
Central Railway,
Bombay V.T.
Bombay.
3. Chief Workshop Manager,
Central Railway Workshop,
Matunga,
Bombay - 400 019.
4. Chief Workshop Manager,
Central Railway Lace Workshop,
Parel,
Bombay - 400 012.
5. Shri N.S.Jagtap,
Sr.P.I. Gr.I(ad-hoc)
Chief Workshop Manager's office,
Parel,
Bombay - 400 012. .. Respondents

Coram: Hon'ble Member (J) Shri M.B. Mujumdar
Hon'ble Member (A) Shri P.S. Chaudhuri

Appearances:

1. Shri Anil Rege,
Advocate for the
Applicant.
2. Shri R.K.Shetty
Advocate for
Respondents No.1 to 4
3. Shri E.K.Thomas,
Advocate for
Respondent No.5

ORAL JUDGMENT

Date: 22-11-1988

(Per M.B. Mujumdar, Member (J))

Heard Shri Anil Rege, advocate for the
applicant, Shri R.K.Shetty, for respondents No.1 to 4 and

Shri E.K.Thomas advocate for Respondent No.5 on the point of admission and interim relief. Respondents No.1 to 4 have filed their reply opposing admission and interim relief.

2. By office order No.180/86 passed by the Senior Personnel Officer, Parel, Respondent No.5 Shri Jagtap was appointed to officiate as Personnel Inspector, Gr.I, in the scale of Rs.700-900 with effect from 2-5-1986. It is made clear in the order that the arrangement was purely temporary in an officiating capacity on trial and would not confer on him any right to claim any similar promotion in ~~xx~~ future or to continue in the same post in preference to his senior.

3. By office order dtd. 2-11-1987 passed by the Senior Personnel Officer, Matunga the applicant Shri V.G.Andhalkar was posted as Senior Personnel Inspector on adhoc basis against an existing vacancy with immediate effect. However, by an order dtd. 25-8-1988(Ex. 'B' to the application)the applicant was reverted to the substantive post of Office Supdt., Gr.II and posted in General Office with immediate effect. According to Respondents No.1 to 4 the applicant was required to be reverted because of an objection taken to his promotion on adhoc basis by the National Railway Mazdoor Union, Central Railway by their letter dtd. 27-2-88.

4. The applicant has challenged the office order at Ex.'B' by which he was reverted to his substantive post of Office Supdt.Gr.II. His main grievance ^{is} ~~was~~ that Respondent No.5 Shri Jagtap who

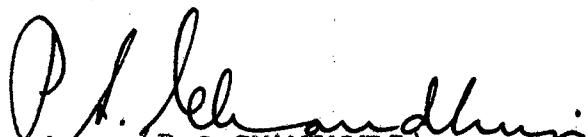
is junior to him was still retained as Personnel Inspector Gr.I at Parel Workshop. According to the applicant it ^{is} was discriminatory and hence the impugned order at Ex. 'B' should be quashed and set aside.

5. Respondents No.1 to 4 showed us a copy of office order No.556/88 dtd. 16.11.1988 by which Respondent No.5 Jagtap is reverted as Personnel Inspector Gr.II and posted in Chief Workshop Manager's office, Parel. In view of this reversion of Respondent No.5 the applicant's grievance is in fact over.

6. Mr.Rege submitted that the office order 556/88 dtd. 16-11-1988 is not served on the respondent No.5. But we find that Respondent No.5 (though he was present in our office today) has reported sick from 18-11-1988. That might be the reason ~~for the non~~
~~for~~ why the reversion order might not have been ~~considered~~ served on him. But we are not ~~considered~~ with that aspect in this case. What is important is due to ~~who~~ reversion of Respondent No.5 according to the applicant, ~~who~~ is junior to the applicant, the cause of action for this application does not survive.

7. We may further mention that Respondents No.1 to 4 have stated in their reply that they have already initiated the process ~~for~~ filling the two posts of Personnel Inspector Gr.I in the workshops at Matunga and Parel. Mr.Shetty stated that the process would be completed within 3 months.

8. We, therefore find no substance in this application and hence reject the same summarily under Section 19(3) of the Administrative Tribunals Act,1985.


(P.S.CHAUDHURI)
Member(A)


(M.B. MUJUMDAR)
Member(J)