

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 790/88

~~Temporary Application No:~~

DATE OF DECISION 24.8.93

T. M. Patel Petitioner

Mr. D. V. Gangal Advocate for the Petitioners

Versus

HOL & Ors. Respondent

Mr. R. M. Agarwal Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

The Hon'ble ~~Shri~~ 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 ? NO
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


V.C.

NS/

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GUIESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

OA NO. 790/88

Thakorbhai Morarji Patel

Applicant

v/s

Union of India
through Secretary
Home Ministry
New Delhi & ors.

Respondents

Coram: Hon. Shri Justice M S Deshpande, Vice Chairman
Hon. Ms. Usha Savara, Member (A)

APPEARANCE:

Mr. D V Gangal,
counsel for applicant

Mr. R M Agarwal
counsel for the respondents

ORAL JUDGMENT:

(Per: M S Deshpande, Vice Chairman)

DATED: 24.8.1993

It is apparent that sealed cover procedure was adopted in the case of the applicant as disciplinary proceedings were pending against him. The applicant was exonerated in the disciplinary proceedings by the order of Administrator, Dadra & Nagar Haveli. The applicant has been promoted by the order dated 8.8.91 (Annexure A) but he has not been granted the arrears in view of the order passed on 5.5.93 (Annexure B).

It is apparent that the case of Shri D V Prabhu was identical and when he approached this Tribunal an order was passed on 2.8.91 (Annexure C to the Miscellaneous Petition) granting him the promotion with effect from the date the official immediately below him has been promoted and he was entitled to all monetary and other benefits from that date.

The learned counsel for the respondents has not been able to point out to us as to why the applicant

should have been differently treated and why the very ^{same} benefits given to Prabhu should not be given to the applicant. The applicant's prayer in the application, which was filed in 1988, however was that the respondents may be directed to consider his case for ad hoc appointment generally on the basis of seniority cum fitness ~~cri~~teria. This prayer would not now survive as the applicant has already been promoted. There is no prayer that all other benefits should also be granted to the applicant as was done in the case of Prabhu. However, we think that now we should mould the relief in accordance with the facts of the present position and in the light of what has been granted to Prabhu we direct the respondents that the same benefits which were given to Prabhu should be given to the applicant also within a period of three months from to day. With these directions the application is disposed of. No order as to costs.

U. Savara
(Usha Savara) 24.8.93
Member(A)

M. S. Deshpande
(M S Deshpande)
Vice Chairman