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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~

NEW BOMBAY BENCH

O.A. No. 676/88

198

~~XXXXXXXXXX~~

DATE OF DECISION 15.11.1988

Shri Ramchandra M Agnihotri Petitioner

Advocate for the Petitioner(s)

Versus

Joint Secretary (Adm.)

Respondent

Department of Revenue

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M B Mujumdar, Member(J)

The Hon'ble Mr. P S Chaudhuri, 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?

Yes

No

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A. NO.676/88

Shri Ramchandra Mahadeo Agnihotri
II/74 Central Government Colony.
Mukund Nagar
Pune 411037

Applicant

V/s

Joint Secretary(Administration)
Central Board of Excise and Customs,
Ministry of Finance
Department of Revenue
North Block; Central Secretariat
New Delhi 110001

Respondents

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

ORAL JUDGMENT
(PER: M B MUJUMDR, MEMBER[J])

DATE : 15.11.1988

Heard the applicant Shri Ramchandra M. Agnihotri in person and perused the application and accompanying documents. In para 7 of the application, the applicant has made the following prayers.

- "a) that this H'ble Tribunal may be pleased to hold and declare that the impugnant order, bearing F.No.A/320/18/24/86/Ad.IIB dated 15.2.1988 is illegal, void and inoperative.
- b) that this H'ble Tribunal be pleased to declare that the Applicant is entitled for compensation in lieu of the mental torture, he has sustained for about 15 years.
- c) i) for costs and incidentals and
(ii) any further and other reliefs as this H'ble Tribunal may deem fit and proper."

2. A copy of the impugned order dated 15.2.88 is given by the applicant at the bottom of page 37. However, we propose to quote the entire page 37 of the application which reads thus:

Copies of Govt. of India, Ministry of Finance,
New Delhi's letters

F.No.32018/24/86-Ad.II-B

(4)

Subject: Extension of service - Shri R M Agnihotri, CAO

1) Letter dated 15.1.1988

I am directed to refer to the correspondence resting with your letter F.No.7(16) dt.II/87/6700 dated 21.12.87 forwarding a representation dated 16.12.87 from Shri R M Agnihotri, Chief Account Officer of your Department and to say that the representations dated 9.11.1987 and 16.12.1987 and 15.12.1987 of Shri Agnihotri have been carefully considered by the Department.

2. It has already been intimated to Shri Agnihotri, who was earlier posted as Administrative Officer in the Central Excise Collectorate, Pune that he had to be reverted from the post of Chief Accounts Officer, as on the basis of his records of service he could not be included in the panel prepared by the D.P.C. for promotion to the grade of Chief Accounts Officer on regular basis. Accordingly his representation against reversion to the grade of Administrative Officer was rejected vide this Department's letter of even number dated 24.9.86.

3. As regards his request for extension of service, I am directed to say that extension is given only in the Public interest and examined from this angle, his request for extension of service has not been agreed to. Shri Agnihotri my please be informed accordingly.

Sd/-
(S.P.Kundu)
Under Secretary

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2) Letter dated 15.2.1988

I am directed to refer to your letter F.No.7(16)Et.II/87/1124 dated 25.1.1988, forward-

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ing therewith representation dated 21.1.1988 of Shri R M Agnihotri, Chief Accounts Officer on the above subject and to say that the decision of this Department on the request of Shri R M Agnihotri, CAO for extension in service etc., has already been communicated to you vide this Department's letter of even number dated 15.1.1988.

2. You are requested to desist from forwarding further representations from Shri R M Agnihotri on the same subject.

(This issues with the approval of the Board)

Sd/-

(V K Sharma)

for Under Secretary

3. It is clear that in the letter dated 15.2.1988, which is at the bottom of page 37 of the application and which is challenged by the applicant in clause (a) of para 7 of the application, there is nothing adverse against the applicant.

4. We have also examined the case on the basis that what the applicant wants to challenge is the letter dated 15.1.1988 which is at the top of page 37 of the application. This letter shows that the applicant was reverted from the post of Chief Accounts Officer as on the basis of his records of service he could not be included in the panel prepared by the DPC for promotion to the grade of Chief Accounts Officer on regular basis. Accordingly, his representation against his reversion was rejected on 24.9.86 itself. Secondly, he had requested for extension but that request was also not granted.

5. Even assuming that this application is against the reversion of the applicant and for not granting him extension, we do not think that it should be admitted. The applicant was reverted as long back as

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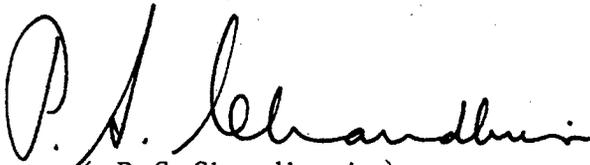
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in July 1986 and his representation against the reversion was rejected on 24.9.86. Moreover, an officer cannot claim extension as of right. Further the applicant has already retired on 31.3.88.

6. His other prayer is for compensation in lieu of mental torture for about 15 years. The applicant has, however, not given any details of the alleged mental torture other than to mention a reversion from a Group 'A' post to a Group 'B' post between 22.7.1986 and 30.10.1987 and "keeping him away from his family members (who had to be continued at Pune for obvious reasons)." We do not consider that these actions constitute mental torture. In any case, even assuming that these do, this Tribunal is not the place to seek recompense for it.

6. We, therefore, find that there is no substance in this application and hence we reject the application summarily under section 19(3) of the Administrative Tribunals Act, 1985.

7. Miscellaneous Petition No.614/88 which is for production of additional documents is also rejected.



(P S Chaudhuri)

Member(A)



(M B Mujumdar)

Member(J)