

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

O.A.No. 181
T.A.No. -

198⁶
198 -

DATE OF DECISION 17-11-1986

Shri M.S.Vengurlekar Applicant/s.

Shri G.S.Walia Advocate for the Applicant/s.

Versus

Collector of Customs, By Respondent/s.

and Another

Mr. Subodh Joshi

Advocate for the Respondent(s).

CORAM:

The Hon'ble Vice-chairman Shri B.C.Gadgil
The Hon'ble Member Shri J.G.Rajadhyaksha

1. Whether Reporters of local newspapers may be allowed to see the Judgment? - 4⁹
2. To be referred to the Reporter or not ? - 7⁹
3. Whether to be circulated to all Benches? - 7⁹

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

Original Application No.181/86

M.S.Vengurlekar,
C/o. G.S.Walia,
Advocate,
89/10, Western Railway Colony,
Matunga Road,
Bombay - 400 019.

... Applicant

V/s.

1. Collector of Customs
& Central Excise,
New Custom House,
Ballard Estate,
Bombay - 400 038.
2. Deputy Collector of Customs,
Personnel & Establishment Dept.,
New Customs House,
Ballard Estate,
Bombay - 400 038.

... Respondents.

Coram: Hon'ble Vice-Chairman B.C.Gadgil
Hon'ble Member J.G.Rajadhyaksha

Appearance:

1. Mr.G.S.Walia
Advocate for the
applicant.
2. Mr.Subodh Joshi
Advocate for the
Respondents.

Judgement

Tribunal's Order:(Per B.C.Gadgil, Vice-Chairman) Date:17-11-1986

The applicant, who was working as Upper Division Clerk in the Customs Department, Bombay, is challenging the reversion order dtd. 5-8-1985(vide page 79 of the compilation) to the post of Lower Division Clerk.

The application was fixed for admission today. We have heard Mr.Walia, Advocate, for the applicant and Mr.Subodh Joshi, Advocate, for the Respondents. We do not find that this is a matter fit to be admitted. The reasons are as follows :-

... 2/-

Till May, 1983, the applicant was a Lower Division Clerk. He was promoted to the post of Upper Division Clerk on 21-5-1983 (vide page 33 of the compilation). The reversion order as mentioned above is dated on 5-8-1985. Mr. Walia submitted that this reversion order has been made on incorrect statement that the applicant's promotion in 1983 was on ad hoc basis. He drew our attention to the promotion order. It is true that the said order does not specifically say that it was ad hoc promotion. However, Mr. Joshi showed us an order dtd. 25-5-1983 which is a corrigendum to the earlier order. This corrigendum states that the promotion of the applicant and other persons would be on ad hoc basis. Thus, there cannot be any dispute that the promotion of the applicant was on ad hoc basis.

The applicant has represented against his reversion and he has been informed in March '86 (vide page 91 of the compilation) that the reversion was due to the finding of the Departmental Promotion Committee. Thus there is a case where an employee was promoted on ad hoc basis and later on reverted as the DPC did not find him suitable to hold that post. We do not think that the applicant can make any valid grievance against such reversion. Mr. Walia relied upon the decision of the Supreme Court ~~case~~ in the case of State of Uttar Pradesh & Others V/s. Saugor Khan reported in '1974 Service Law Journal, 1474'. However, that case does not apply to the facts mentioned above.

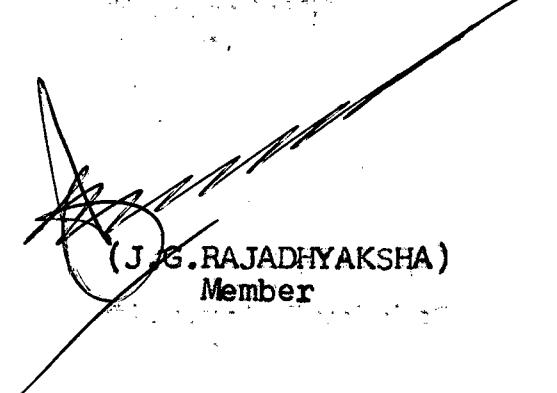
-: 3 :-

The last contention of Mr.Walia is that the 1983 ad hoc appointment was also on the basis of the recommendation of the DPC and that, therefore, there was no question of considering the case of applicant again in 1985 by the DPC. Mr.Subodh Joshi made a statement at the Bar that in 1983 the DPC did not hold any meetings. Thus the above contention of Mr.Walia need not be gone into. The result is that the application is summarily rejected.

No orders as to cost.



(B.C.GADGIL)
Vice-Chairman



(J.G.RAJADHYAKSHA)

Member