

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW BOMBAY BENCH

XXXXXX.

T. A. No. 316/86

198

DATE OF DECISION 8.12.1989

Mr. Asharam G. Rajput

Petitioner

Mr. H. J. Acharya

Advocate for the Petitioner(s)

Versus

Union of India and others.

Respondent(s)

Mr. N. K. Srinivasan

Advocate for the Respondent(s)

## CORAM

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *Xc*
2. To be referred to the Reporter or not? *A. O*
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? *Xs 6*

(22)  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400 614

T.A.No. 316/86

Shri Asharam G. Rajput  
Fitter in Electric Track Bonding  
Dept.,, Bombay Central, Bombay. .. Applicant

V/S.

Union of India  
through  
General Manager,  
Western Railway,  
Churchgate, Bombay.

2. Senior Divisional  
Electrical Engineer (DHE),  
Bombay Central, Bombay.

AND 39 OTHERS. .. Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar  
Hon'ble Member (A) Shri M.Y.Priolkar

Appearances :

Mr.H.J.Acharya  
Advocate  
for the Applicant

Mr.N.K.Srinivasan  
Advocate  
for Respondents No. 1 & 2

ORAL JUDGMENT

Dated: 8.12.1989

(PER: M.B.Mujumdar, Member (J)

The applicant, Mr. Asharam G. Rajput had filed Writ Petition No. 1707/82 in the High Court of Judicature in Bombay on 24.6.1982 and it is transferred to this Tribunal under Section 29 of the Administrative Tribunals Act.

2. When the Writ Petition was filed, the applicant was working as Electric Track Bonding Fitter in the Office of Senior Divisional Electrical Engineer (Overhead Equipment), Bombay Central in the grade of 260-400 (Revised). In the petition he has prayed for setting aside the orders in the Circular dated 12.3.1981, a copy of which is produced at Ex.'A' to the petition. According to him, he is working in

the Overhead Track Bonding unit which is merged in Overhead Equipment cadre by the Circular dated 12.3.1981 and thereby his prospects of promotions have suffered.

3. The respondents have filed their exhaustive written statement.

4. Just now we have heard Mr.H.J.Acharya, learned advocate for the applicant and Mr.N.K.Srinivasan, learned advocate for Respondents No. 1 & 2.

5. Mr. Srinivasan stated that the applicant was in no way affected by the orders in the Circular dated 12.3.1981 and the applicant has filed the petition due to a wrong impression. We are inclined to accept this view. It was brought to our notice that in 1982 after the petition was filed, the applicant was promoted as High Skilled Electric Fitter Gr.II in the scale of Rs.330-430 in the Track Bonding unit itself. He was promoted because he has passed Trade Test in 1982. Not only this, but he is again promoted as High Skilled Electric Fitter Gr.I in the scale of Rs.380-560 w.e.f. 1.1.1984. The applicant has not mentioned anything about this in the petition though he had amended it once. Hence, in our view the grievance of the applicant when he filed the application was an imaginary one.

6. Moreover, even assuming for the sake of argument that promotional prospects were affected by the orders in the Circular dated 12.3.1981, we do not find anything wrong in it. Calcutta Bench of this Tribunal has held in Mahendra Nath Banerjee & Ors. v. Union of India & Ors., 1989 (3) SLJ (CAT) 385 that the terms and conditions which were prevalent when

a person joins Government service can be subsequently amended by the Government unilaterally without the consent of the concerned employee. Hence, we are unable to find any fault in the impugned Circular dated 12.3.1981.

7. We, therefore, dismiss the application with no order as to costs.

  
(M.Y. Prichkar)  
Member (A)

  
(M.B. Mujumdar)  
Member (J)

Decomment dtd. 8.12.89  
Send to parties on  
31.1.90.

