

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 811/89

Transfer Application No:

DATE OF DECISION 24.3.1994

Shri Gopal Amrut Bhat Petitioner

Shri S.R.Atre Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

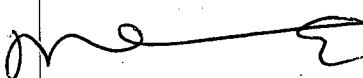
Shri J.G.Sawant Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Shri R.Rangarajan, Member (A)

1. ~~whether Reporters of local papers may be allowed to see the Judgement?~~ *no*
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 ? *no*


(R.RANGARAJAN)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(10)

OA.NO. 811/89

Shri Gopal Amrut Bhat

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri R.Rangarajan

Appearance

Shri S.R.Atre
Advocate
for the Applicant

Shri J.G.Sawant
Advocate
for the Respondents

ORAL JUDGEMENT

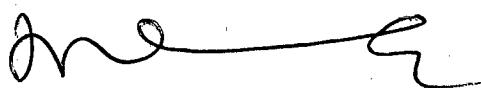
Dated: 24.3.1994

(PER: M.S.Deshpande, Vice Chairman)

The applicant by this application challenges the deletion of his name from the panel for promotion dated 3.4.1987 in which his name was included at Sr.No. 10. The applicant was appointed on 4.6.1980 and after being called for screening on 15.12.1982 was regularised w.e.f. 17.3.1983 by the order dated 29.7.1983. A Notification calling for applications for the post of Junior Clerk was issued on 5.12.1984 and there the cut-off date for reckoning qualifying service was prescribed as 31.12.1984. The applicant gave the written test on 12.9.1986 and gave the viva-voce test on 27.11.1986. Despite the inclusion of his name in the panel dated 3.4.1987 and his promotion w.e.f. 12.4.1988, his name was deleted by the order dated 18.9.1989 from the panel after he worked as Junior Clerk.

a little less ~~for~~ ^{than} 18 months. It is not necessary for us to go into other questions raised by the applicant. It is a common ground that no opportunity was given to the applicant before deleting his name from the panel though he had worked for a sufficiently long period as a Junior Clerk. If the respondents wanted to say that the applicant had not rendered the qualifying service which was necessary for the empanelment, he should have been given a notice and given an opportunity of being heard before the action of deleting his name from panel came to be taken.

25. We, therefore, quash the impugned order dated 18.9.1989 and direct the respondents to give a show-cause notice to the applicant and after hearing him pass an appropriate order within a period of two months from the date of communication of this order to the respondents. Since the applicant was continued by the interim order of this Tribunal in the post of Junior Clerk, he shall not be reverted until an action as directed above is taken.



(R.RANGARAJAN)
MEMBER (A)



(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.