

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No.378/89
T.A. No. ---

198

DATE OF DECISION 3-6-1993

Vasudeo Dnyanoba Taralgatti

Petitioner

Mr. M.A. Mahalle

Advocate for the Petitioner(s)

Versus

U.O.I. & Ors.

Respondent

Mr. P.M. Pradhan

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble [] Ms. Usha Savara, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

(M.S.DESHPANDE)
VC

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(10)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.378/89

Vasudeo Dnyanoba Taralgatti,
C/o.Mrs.Madhurbala Taraglatti,
2nd Floor, 8-B/6, Gopalnagar,
Kalyan Road, Bhiwandi 421 302
Dist. Thane. .. Applicant

-versus-

1. The Collector of Central
Excise, Bombay-III,
4th Floor, Navprabhat Chambers,
Ranade Road,
Dadar(W),
Bombay - 400 028.
2. The Collector of Central
Excise, and Cadre
Controlling Authority,
Opp.Churchgate Railway Station,
Central Excise Building,
M.K.Road,
Bombay - 400 021.
3. The Union of India,
Ministry of Finance,
Department of Revenue,
New Delhi. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

Hon'ble Ms.Usha Savara, Member(A)

Appearances:

1. Mr.M.A.Mahalle
Advocate for the
Applicant.
2. Mr.P.M.Pradhan
Counsel for the
Respondents.

ORAL JUDGMENT:

Date: 3-6-1993

The applicant, Shri V.D.Taralgatti, was appointed as Sub Inspector in the Central Excise Department and when the question of his promotion came up in 1971 his name was put in the sealed cover. The applicant and two others, P.P.Deshpande and Pendharkar, and three more who stood trial on charge of

conspiracy were acquitted by the Metropolitan Magistrate on 29-1-82 and they all came to be reinstated on 9-11-84. The applicant and Deshpande thereafter were promoted as Inspector on ad-hoc basis on 31-3-1986. An appeal was preferred by Deshpande and other in the year 1987 before this Tribunal by filing O.A.91/87 and by the judgment delivered on 4-1-88 the benefits which Deshpande and Pendharkar were claimed were granted to them. The reliefs granted included:

(i) the entire period of suspension from 15-1-1977 to 21-11-1984 to be treated as period spent on duty with full pay and allowances to the entitlement; (ii) arrears of pay and allowances ^{to be paid} within three months from the date of communication of the order and (iii) reinstatement in service as ~~as~~ Sub Inspector in the revised pay scale. These three reliefs were granted to the applicant also together with ^{Seniority} ~~equity~~ and consequential promotions etc. However, Deshpande filed Contempt Petition for non compliance of other directions and vide order passed in contempt No.18/88 on 2-1-89 it was directed that Deshpande should be granted further promotion from time to time whenever ^{it} he became due and if found fit, promote him to higher post from due dates with consequential benefits together with arrears.

2. Thereafter the applicant sent a ~~representation~~ to the respondents dt. 20-10-88 and in reply thereof dt. 21-4-1989 he was informed that the judgment in O.A. No. 91/87 filed by S/Shri Deshpande and Pendharkar ^{was} is not

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applicable in this case as he was not a party to that case.

3. The only grievance of the applicant now before us is that he should have been granted the remaining entitlements which were granted to Deshpande and in his case it amounts to opening the sealed cover of 1971 and granting him the promotion if any which would have been granted to him by the DPC in 1971. In the event of the applicant not being found fit in the DPC in 1971 his contention is that he should be considered for promotion in the year 1972, 1974, 1975 and 1976.

4. Considering that the facts of the case of the applicant and Deshpande were analogous we find that the applicant is entitled to the same benefits as granted to Deshpande.

5. We, therefore, direct that the sealed cover in respect of the applicant for the years 1971, 1972, 1974 and 1975 should be opened and if he is adjudged to be fit in any for promotion in any of the years he should be promoted as Inspector from that year on regular basis with all consequential benefits of pay and allowances and further seniority and he should be considered for further promotion if found fit thereafter. The entitlement of the applicant shall be decided upon within six months from the date of receipt of a copy of this order.

6. Rule absolute in these terms. No order as to costs.

Usha Savare
(USHA SAVARE) 6 '93
Member (A)

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