

(S)

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 409/89

~~File No.~~

198

DATE OF DECISION 10.9.1990

Dr. M.N. Bal Petitioner

Shri A.F. Daniz Advocate for the Petitioner(s)

Versus

State of Goa & Ors. Respondent

Shri H.R. Bharne Advocate for the Respondent(s)

## CORAM

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

The Hon'ble Mr. N. Dharmadan, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
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? *No*

*b/*

(2)

BEFORE THE CENTRAL ADMINISTRATIVE BENCH  
NEW BOMBAY BENCH, NEW BOMBAY  
CAMP SITTING AT PANAJI

Original Application No.409/89

Dr.M.N. Pal

... Applicant

vs.

State of Goa & Ors.

... Respondents.

CORAM: Hon'ble Member (A), Shri M.Y. Priolkar  
Hon'ble Member (J), Shri N. Dharmadan

Appearances:

Shri A.F.Daniz, Advocate,  
for the Applicant and  
Shri H.R. Bharne, Counsel,  
for the respondents.

ORAL JUDGEMENT:

Dated : 10.9.1990

(Per. Shri N.Dharmadan, Member (J))

The limited complaint of the applicant, who is now working as a Professor of Obstetrics and Gynaecology, Goa Medical College, Panaji, Goa, is that his appointment as a Professor has not been confirmed inspite of the fact that he has completed his probation as early as on 8.7.1986.

2. The applicant was appointed after selection as Professor of Obstetrics and Gynaecology, Goa Medical College, as per order dated 13.6.1984. In that order it has been specifically stated that the appointment is made against the post of a retirement vacancy which arose with effect from 1.5.1983. Subsequently, as per Annexure P4 the Government was pleased to pass an order dated 18.8.86 declaring that the applicant, ~~having~~ satisfactorily completed the probation for a period of two years, ~~he will~~ <sup>who would be</sup> be debarred as a person who has completed the probation, with effect from 8.7.1986. According to the applicant he has satisfactorily completed

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the probation as indicated in the order and thereafter he has sent a series of representations requesting the respondents to consider his case for confirmation so that he may be eligible for whatever benefits that is available to a confirmed Professor in the Department. According to him he has even personally met the concerned Secretary and appraised the position. Later he has sent Annexure P6 representation to His Excellency, Governor of Goa, but so far nothing turned out. Hence he has filed this application under Section 19 of the Administrative Tribunals Act, 1985, with a prayer that either he may be confirmed or at least consider him for confirmation in accordance with law.

3. The respondents have filed the counter affidavit in which they have only stated that because of some administrative delay the seniority of Professors ~~have~~ <sup>6</sup> not yet been finalised.

4. Today when the case is taken up for hearing it has been submitted on behalf of the respondents that seniority list of the Professors in the Medical College <sup>Ansara and is in the process of being by</sup> has already been finalised and the same is being forwarded to the Goa Public Service Commission for taking appropriate steps <sup>for</sup> of confirmation of all Professors including the applicant. In the light of the submissions of the learned Government counsel we think that this application can be closed with the following direction:

i) The respondents shall finally determine the seniority of the applicant in the post of Professor of Obstetrics and Gynaecology, Goa Medical College, within a period of two months from the date of receipt of a copy of the judgment.

We also direct the respondents to take expeditious steps for confirmation of the applicant's service in accordance with the provisions of Government of Goa, Daman and Diu Medical Education Service Rule, 1979.

*N. Dharmadan* 10.9.90  
( N. Dharmadan ) 10.9.90  
Member (J)

*M.Y. Priolkar* 10.9.90  
( M.Y. Priolkar ) 10.9.90  
Member (A)