

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:137.96

TUESDAY the 5th day of MARCH 2002

CORAM: Hon'ble Shri Gopal Singh, Member (A)

Hon'ble Shri S.L. Jain, Member(J)

1. C.H. Dalal
Assistant Secretary,
Secretariat, Daman
2. P.S. Jani
Dy. Collector
Collectorate,
Fort Area, Moti Daman.
3. R.B. Patel
Mamlatdar,
Administration of Daman and Diu,
Fort Area, Moti Daman.
4. J.M. Dali,
Block Development Officer
Administration of Daman and Diu,
Fort Area, Moti Daman.
5. G.D. Phadte
Superintendent (G)
Administration of Daman and Diu,
Finance Department, Secretariat,
Fort Area, Moti Daman.
6. M.R.R. Nair,
Superintendent (G)
Office of Supdt. Engineer,
Administration of Daman and Diu,
Fort Area, Moti Daman.
7. S.D. Modasia
Superintendent (G)
Mamlatdar-Cum- Block
Development Officer,
Admn. of Daman and Diu.

...Applicants.

By Advocate Shri M.S. Ramamurthy.

V/s

1. Union of India through
The Secretary,
Ministry of Home Affairs,
Central Secretariat,
North Block, New Delhi.

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2. The Director of Union Territories, Govt. of India, Secretariat, North Block, New Delhi.
3. The Union Public Service Commission through Secretary, 186, Dholpur House, Shah Jahan Road, New Delhi.
4. The Administrator of Daman and Diu, Daman. Respondents.

By Advocate Shri R.K. Shetty.

ORDER (ORAL)

{Per Gopal Singh, Member (A)}

This is an application under Section 19 of the Administrative Tribunals Act 1985. The applicants are praying for a direction to the respondents to promote them as per the existing Recruitment Rules against the then posts from the date the vacancy arose and they become eligible as per Recruitment Rules and thereafter the 1996 Service Rules be made applicable. They have also prayed for a direction to the respondents to implement the 1996 Service Rules after obtaining the options from the applicants.

2. The contention of the applicants is that various posts in the Union Territory of Goa Daman and Diu and Dadra and Nagar Haveli were lying vacant since 1988 - 89 and the respondents' department were filling up the post by bringing outsiders on deputation. It is further contended that the DANICS cadre officers have been brought to man these posts ignoring the claim of the applicants. Hence this application.

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3. In the counter it has been stated by the respondents that all the applicants have been promoted to various posts as per the then existing orders. It is pointed out that applicant No.1 and 2 were promoted with effect from 2.12.1994 in the post of Assistant Secretary as per 1994 Recruitment Rules. Applicant No.3 and 4 has been appointed to the post of Mamlatdar on 9.11.1993 as per the Recruitment Rules 7.5.1993. It is also pointed out by the respondents that they cannot be further promoted unless they pass the departmental examination. Applicant No.4 has been promoted as Superintendent with effect from 9.11.1993 and applicant No. 5, 6 and 7 had been promoted as such on 9.10.1992. It has therefore been pleaded that the applicants have been promoted to various posts. Hence this application is devoid of merit and have to be dismissed.

4. Promotion of all the applicants to various posts mentioned in the reply statement had not been denied by the applicant. It is admitted that the applicants have been promoted to these posts under the then existing Recruitment Rules and the then Service Rules 1996 have not been made applicable for filling up these posts. It is also seen that only one post vacated by U.B. Naique in November 1994 was to be filled by Direct Recruit and has since been filled up under the new Rules. Thus as on date there is no vacancy available.

5. The learned counsel for the applicants submits that the applicant should have been given promotion from the due dates some time in 1988 - 89. This OA has been filed in the year 1996

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claiming the relief with effect from 1988 - 89. The application is barred by limitation. There is also no application from the applicants' side for condonation of delay. In this view of the matter the application is devoid of any merit. Accordingly the OA is dismissed. No order as to costs.

S.L.Jain
(S.L.Jain)
Member (J)

Gopal Singh
(Gopal Singh)
Member (A)

NS

dt 5/3/82
Order
to Appellant respondent (s)
dt 02/4/82

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