

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 65/99

Date of Decision: 19/7/99

Prakash Baburao Sonawane Applicant.

Shri S. P. Saxena Advocate for
Applicant.

Versus

Union of India & 3 Ors.

Respondent(s)

Shri R.K. Shetty Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. B.N. Bahadur, Member(A)

(1) To be referred to the Reporter or not? *u*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *u*

R.G. Vaidyanatha

(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD,
FORT, MUMBAI-400 001.

ORIGINAL APPLICATION NO: 65/99
DATED THE 19TH DAY OF JULY, 99
CORAM: HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN
HON'BLE SHRI B.N.BAHADUR, MEMBER (A).

Prakash Baburao Sonawane,
Technical Assistant,
Office of Defence Estates,
Poona-411 001.
(residing at:-
206/1347,
Sant Tukaram Nagar,
Pimpri,
POONA - 18.

... Applicant.

By Advocate Shri S.P.Saxena

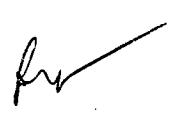
V/s.

1. Union of India,
Through the Secretary,
Ministry of Defence,
NEW DELHI-110 011.
2. The Director General,
Defence Estates,
R.K.Puram,
NEW DELHI - 110 066.
3. The Director,
Defence Estates,
Southern Command,
POONA-411 001.
4. Shri I.A.Shaikh,
Technical Assistant,
Office of Defence Estate,
Southern Command,
POONA-411 001.

... Respondents,

By Advocate Shri R.K.Shetty.

|| ORDER || ORAL ||

|| Per Shri R.G.Vaidyanatha, Vice Chairman ||
This is an application filed under
section-19 of Administrative Tribunals Act. The


Officials respondents have filed reply. Respondent No.4 has not entered appearance though he has been duly served. We have heard both counsels regarding admission.

2. Applicant was promoted as Office Superintendent Grade-II by order dated 11/8/97 and posted to Chennai, but applicant declined the promotion on personal grounds. The applicant was again promoted as Office Superintendent Grade-II by order dated 17/7/98. The applicant pleaded inability to go to Chennai on promotion on personal grounds. As per rules, if an official declines promotion, he will not be considered for promotion again for one year. Therefore, as ^{things} this stands the applicants case for promotion will come up again only in July,99. In the meanwhile, a vacancy arose in Pune which has been filled up by Shri I.A.Shaikh ^{who} has been promoted and posted at Pune. The applicant's grievance is that since he is senior to Shaikh and he declined promotion twice since he could not leave Pune due to personal difficulties and daughter's illness and now that a vacancy is available at Pune, the applicant should be considered for the same.

3. Respondents have filed reply opposing the application. After hearing both sides, we find that the applicant's claim for being posted at Pune is not a legal right. But he is pressing his claim only on the ground indicating his daughter's illness. It is for the administration to consider the request of the applicant and then find out whether the applicant can be accommodated at Pune in the existing vacancy or any future vacancy. The scope of judicial review is very limited. The Broad guidelines given by Government are only meant for ^{compliance} observations by the administration and not for interference by a Court or Tribunal. We give liberty to

the applicant to make a representation for being posted at Pune either in the existing vacancy or any future vacancy by giving reason. It is for the administration to consider the same according to rules.

4. In the circumstances we are not interfering with the Impugned order of promotion dated 6/1/99.

5. In the result, the OA is disposed of with above observations. The Interim order dated 19/1/99 and 25/1/99 are hereby vacated. No orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)

MEMBER(A)

R.G.Vaidyanatha

(R.G.VAIDYANATHA)

VICE CHAIRMAN

abp