

REGISTERED/AD

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Commercial Complex(BDA)  
Indiranagar  
Bangalore-560038

Application No 1620/86(F)  
Application No 1619/86(F)

Dated the 11/September 1986

To

Mrs. Rajam Menon (Applicant in 1620/86(F) )  
C/o Shri Sudhakar Shenoy,  
Advocate for Applicant,  
146, 15th Cross, Gandhinagar,  
Bangalore 560009

Mrs. C Xavier, (Applicant in 1619/86(F) )  
C/o Shri Sudhakar Shenoy,  
Advocate for Applicant,  
146, Fifteenth Cross,  
Gandhinagar, Bangalore 560009

Subject: SENDING COPIES OF ORDER PASSED BY THIS TRIBUNAL IN  
APPLICATIONS NO 1620/86(F) AND 1619/86(F).  
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Please find enclosed herewith the copy of the Order passed by  
this Bench of the Tribunal on 2.9.1986 in the above said  
Applications.

Encl: As above

*R*  
SECTION OFFICER  
(JUDICIAL )

*o/c pres*

Copy to Application No 1619/86(F)

*Indis.*  
*15*  
*23/9*

*Indis.*  
*R. V. Srinivasan*  
*W. E.*  
*R.*

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

ORDER PASSED BY THE CENTRAL BENCH ON 2.9.1986 IN APPLICATION NO 1620/86(F) - VERSUS UNION OF INDIA SECRETARY, MINISTRY OF DEFENCE, NEW DELHI AND 3 OTHERS AND IN APPLICATION NO 1619/86(F) - MRS C. XAVIER VERSUS UNION OF INDIA, SECRETARY, MINISTRY OF DEFENCE, NEW DELHI AND 3 OTHERS

Application No. 1619 and 1620 of 1986(F).

As the questions that arise for determination in these cases are common, we propose to dispose of them by a common order.

In these applications made under Section 19 of the Administrative Tribunals Act of 1985 (Central Act No. 13 of 1985) (Act), the Applicants have challenged Order no. TCU/2835/14091/FC dt 5th May, 1986 communicated by the Flt Lt U Ad C.

Prior to 17.4.1985, the applicants were working as Upper Division Clerks (Civilian Branch) in the Office of the Headquarters Training Command Unit (Air Force) Bangalore 6. On vacancies occurring in the cadre of CS Grade II, in August, 1985, the applicants who were found fit for promotion, were promoted as CS Grade II and posted to outside places. But both the applicants intimated the promoting authority that they will forego their promotion to the cadre of CS Grade II for a period of one year and further requested that authority to retain them at their original places they were working. On 17.4.86, the competent authority has accepted the said proposal made by the applicants and has postponed their promotion for a period of one year the validity of which is challenged by the applicants.

Shri K.S. Ramamurthy, Learned Counsel for the applicants strenuously contends that the competent authority should not have postponed the promotions of his clients for a period of one year.

We have earlier noticed that the competent authority promoted the applicants in their own turn and posted them to outside places which the applicants refused to accept and expressed their willingness to forego their promotions for a period of one year. When that is so, we are of the view that the challenge made by the applicants to the order made by the competent authority which is in accordance with their own undertaking is wholly misconceived and is unsustainable. We see no merit in the contention urged by Shri Ramamurthy. We therefore reject these applications without notice to the Respondents.

Sd/....  
(K.S. Puttaswamy)  
Vice-Chairman  
2-9-86

Sd/....  
(P. Srinivasan)  
Member(A)  
2-9-86

'True Copy'

Copy to:-

Application No 1619/86(F)

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE