

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 11-11-87

Application No. 802/87(T)

W.P. No. 1916/81

Applicant

Respondents

Shri G.S. Gopalakrishna Setty V/s The Secy, M/o Labour & 34 Ors
To

1. Shri G.S. Gopalakrishna Setty
Provident Fund Inspector Grade - I
Dharwad, Dharwad District
 2. Shri V.P. Kulkarni
Advocate
C/o Shri T.S. Ramachandra
Advocate
"Vijayasree"
No. 4, Srikantan Lay-out
High Grounds
Bangalore - 560 001
 3. The Secretary
Ministry of Labour
"Shrama Shakti Bhavan"
New Delhi - 110 001
 4. The Union Public Service Commission
Kota House
Shahajahan Road
New Delhi
 5. The Central Provident Fund
Commissioner
9th Floor, 'Mayur Bhavan'
Connaught Circus
New Delhi - 110 001
 6. The Regional Provident Fund
Commissioner
'Bhavishya Nidhi Bhavan'
No. 8, Sri Rajaram Mohan Roy Road
Bangalore - 560 025
 7. Shri S.E. Jayaram
Provident Fund Inspector
Grade - I
Office of the Regional
Provident Fund Commissioner
'Bhavishya Nidhi Bhavan'
Sri Rajaram Mohan Roy Rd.
Bangalore - 560 025
 8. Shri Ahmed Ramlan
Provident Fund Inspector
Grade-I
Office of the Provident
Fund Inspector
Risaldar Lane
Belgaum
 9. Shri B. Krishnamurthy
 10. Kum Pramila Benjamin
 11. Shri V. Arunachalam
 12. Shri S.Z.H. Razvi
- (Sl. Nos. 9 to 12 - Provident
Fund Inspectors, C/p Regional
Provident Fund Commissioner,
A.P.H. No. 3-4-763, Bharakatpur
Chaman, Hyderabad - 500 027)

13. Shri L.L. Gayasen

14. Shri P.G. Chakravarthy

15. Shri K.C. Roy

(S1 Nos. 12 to 15 - Provident Fund

Inspectors

C/o The Regional Provident Fund Commissioner
Pataliputhrapath, Rajendra Nagar,
Patna - 800 016)

16. Shri Lala Ram

Provident Fund Inspector

C/o The Regional Provident Fund
Commissioner, Uttar Pradesh,
Nidhi Bhavan, Sarvodaya Nagar
Kanpur - 208 005

17. Shri M.T. Muthupillai

Provident Fund Inspector

C/o The Regional Provident Fund
Commissioner,
T.C.No. 13/256-256-A,
Near Residency, Thaicaad
Trivandrum - 695014

18. Shri P. Shanmugam

19. Shri V. Devadas Mathuram

20. Shri A.M. Narasingam

21. Shri T.V. Kanagaraaj

22. Shri C. Subramaniam

(S1 Nos. 18 to 22 - Provident Fund Inspectors,

C/o The Regional Provident Fund Commissioner,
No. 22/23, Rayapetta High Road, Madras - 600 014)

23. Shri D.M. Mehta

24. Shri R.S. Katavate

(S1 Nos. 23 & 24 - Provident Fund Inspectors,

C/o The Regional Provident Fund Commissioner,
Bhavishya Nidhi Bhavan, No. 341, Bandra (East)
Bombay - 400 051)

25. Smt Gouri Chattarjee

26. Shri Subendu Bose

27. Shri L.B. Roy

28. Shri S.K. Bhattacharya

7. The fact that the applicant was earlier promoted on ad hoc basis, does not confer on him an indefeasible right to claim promotion on a regular basis.

8. On any view we find no merit in the contention urged by Shri Kulkarni.

9. As the only contention urged for the applicant fails, this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
Vice-Chairman

29/10/87

Sd/-
Member (A) 28.10.87

- True Copy -

dms/Mrv.

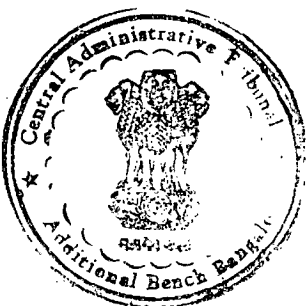

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

3. But some time thereafter a Departmental Promotion Committee ('DPC') constituted for the purpose, considered the case of the applicant, respondents 5 and 6 (R5 and 6) and other eligible officers for regular promotions to the post of PFI Gr.I and recommended for the promotion of R5 and 6, in preference to the applicant and Sarvasri Syed Noor Mohammed and C.H. Narayan. Accepting the recommendations of the DPC the appointing authority had promoted respondent Nos. 5 and 6 as PFI Gr.I and had discontinued the ad+hoc arrangement of the applicant. Aggrieved by the same the applicant approached the High Court in W.P. No. 10916/81, which on transfer, has been registered as A.No. 802/87.

4. Shri V.P. Kulkarni, learned counsel for the applicant, contends that the supersession of his client who had been found fit and also promoted earlier was unjustified and illegal.

5. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents 1 to 4 in supporting the action of the authorities, relies on the decisions rendered by us in A.Nos. 729/86 and 636/86.

6. In A.No. 729/86 and A.No.636/86, we have examined the DPC proceedings that recommended for the promotion of R5 and 6 and upheld the same rejecting the very grounds urged for the applicant in this case. We do not see any new ground to distinguish earlier decisions.



29. C.P. Varma.

30. Yash Paul.

(Respondents 29 & 30 are P.F. Inspectors,
C/o Regional P.F. Commissioner, S.C.O.
No.4-7, Sector 17/D).
Chandigarh.

31. J.N. Narzary,
P.F. Inspector,
C/o The Regional Provident Commissioner,
No.16, Shanti Nivas, Dalitum Kharh,
Shillong.

32. B.V. Rapshe,
P.F. Inspector,
C/o The Regional P.F. Commissioner,
Rajwade Chowk, Indore.

33. K.C. Roy,
P.F. Inspector,
C/o The Regional P.F. Commissioner,
Janpath Unit No.IX, Bhubaneswar.

34. T.S. Jai, P.F. Inspector,
C/o The Regional P.F. Commissioner,
12, Saroopvilla, Taktasahi Road,
Jaipur.

35. D.C. Uopal, P.F. Inspector,
C/o the Regional P.F. Commissioner,
Sathuvasvani Marg, New Delhi.

..... Respondents.

(Shri M.S. Padmarajaiah, C.U.S.S.C.).

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

This is a transferred application and is received from
the High Court of Karnataka under Section 29 of the
Administrative Tribunals Act, 1985.

2. Prior to 22.6.1978, the applicant was working as a
Provident Fund Inspector (PFI) Gr.II. On 22.6.1978, he was
promoted as P.F. Inspector Gr.I on an ad-hoc basis.



11. L.L. Gayasen.

12. P.G. Chakravarthy,

13. K.C. Roy.

(Respondents 11 to 13 are P.F. Inspectors,
C/o The Regional P.F. Commissioner,
Pataliputhrabath, Rajendra Nagar, Patna).

14. Lala Ram,
P.F. Inspector,
The Regional P.F. Commissioner,
T.C. No.13/256-256-A, Near
Residency Thaicad, Trivandrum.

15. M.T. Muthupillai,
P.F. Inspector,
The Regional P.F. Cs
Office, T.C.No.13/
256-256-A, Near
Residency, Thaicad,
Trivandrum.

16. P. Shanmugam.

17. V. Devadas Muthuram.

18. A.M. Narasingam.

19. T.V. Kanagaraj.

20. C. Subramaniam.

(Respondents 16 to 20 are P.F. Inspectors,
C/o the Regional P.F. Commissioner, No.22/23,
Rayapetta High Road, Madras).

21. D.M. Mehta,
P.F. Inspector,

22. R.S. Katavate,
P.F. Inspector,

(Respondents 21 and 22 are working at the
O/o the Regional P.F. Commissioner,
Bhayishya Nidhi Bhavan, No.341, Bandra (East)
Bombay).

23. Gouri Chattarjee.

24. Subendu Bose.

25. L.B. Roy.

26. S.K. Battacharya.

27. Savyasachinag.

28. B.B. Murmu.

(Respondents 23 to 28 are P.F. Inspectors,
C/o Regional P.F. Commissioner, No.24,
Park Street, Calcutta).

.... Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 28TH DAY OF OCTOBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 802/1987

Shri G.S. Gopalakrishna Setty,
S/o, G. Somashekara Setty,
major, Provident Fund Inspector
Grade I, Dharead.

.... Applicant.

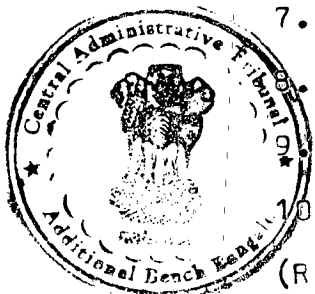
(Shri V.P. Kulkarni, Advocate)

v.

1. The Union of India by its
Secretary in the Ministry
of Labour, "Shrama Shakti
Bhavan", New Delhi.
2. The Union Public Service
Commission, Shahjahan Road,
New Delhi.
3. The Central Provident Fund
Commissioner, 9th floor,
'Mayur Bhavan', Cannaught Circus,
New Delhi.
4. The Regional Provident Fund
Commissioner, No.8, Sri Rajaram
Mohan Roy Road, Bangalore.
5. Shri S.E. Jayaram,
Inspector Grade-I,
RGPFC's Office,
Rajaram Mohan Roy Road,
Bangalore.
6. Ahmed Ramlan,
P.F. Inspector,
O/o the Provident Fund Inspector,
Risaldar Lane,
Belgaum.
7. B. Krishnamurthy Naidu,
Kum. Pramila Benjamin.
V. Arunachalam.
S.Z.H. Razvi.

.... Respondents.

(Respondents 7 to 13 are P.F. Inspectors,
C/o Regional P.F. Commissioner, A.P.H.
No.3-4-763, Bharakatpur Chaman, Hyderabad).



29. Shri Savyasachinag

30. Shri B.B. Murumu

(Sl Nos. 25 to 30 - Provident Fund Inspectors,
C/o Regional Provident Fund Commissioner,
No. 24, Park Street, Calcutta - 700 016)

31. Shri O.P. Varma

32. Shri Yash Paul

(Sl Nos. 31 & 32 - Provident Fund Inspectors,
C/o The Regional Provident Fund Commissioner,
S.C.O. No. 4-7, Sector 17/D, Chandigarh - 160 017)

33. Shri J.N. Narzary
Provident Fund Inspector
C/o The Regional Provident Commissioner,
No. 16, Shanti Nivas, Lalitum Kharh.
Shillong - 793 003

34. Shri B.V. Rapshe
Provident Fund Inspector,
C/o The Regional Provident Commissioner,
2nd Floor, Shivvilas Place, Rajwade Chowk,
Indore - 452 001

35. Shri K.C. Roy
Provident Fund Inspector
C/o The Regional Provident Fund Commissioner,
Janpath Unit No. IX, Bhubaneswar - 751 006

36. Shri T.S. Jai
Provident Fund Inspector
C/o The Regional Provident Fund Commissioner
12, Saroopvilla, Taktasahi Road, Jaipur - 302 004

37. Shri D.C. Uppal
Provident Fund Inspector
C/o The Regional Provident Fund Commissioner
Sathuvasvani Marg, New Delhi.

38. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith copy of Order passed by this Tribunal
in the above said application on 28-10-87

RECEIVED 38 copies. 12/11/87

Diary No. 1411/CR/87

Issued Date: 12.11.87 Ag

Encl : As above

Section Officer
(Judicial)