

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 16 JAN 1989

APPLICATION NO. 1505 /88(F)

W.P. NO. /

Applicant(s)

Shri G. Mastanappa
To

Respondent(s)

V/s The Collector of Central Excise & Customs,
Bangalore & another

1. Shri G. Mastanappa
C/o Shri Shantaram Sawant
Advocate
26/1, 1st Cross
Millers Road, Benson Town
Bangalore

2. Shri Shantaram Sawant
Advocate
26/1, 1st Cross
Millers Road, Benson Town
Bangalore

3. The Collector of Central Excise & Customs
Central Revenue Building
Queen's Road
Bangalore - 560 001

4. Shri S.K. Purnik
Administrative Officer
Office of the Assistant Collector
of Customs
Davanagere
Chitradurga District

5. Shri M.S. Padmarajaiah
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/INTERIM ORDER
passed by this Tribunal in the above said application(x) on 11-1-89.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 11TH DAY OF JANUARY, 1989

Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
| Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 1505/1988

Shri G. Mastanappa,
O/o the Superintendent,
Head Quarters Office,
Bangalore.

.... Applicant.

(Shri Shantaram Sawant, Advocate)

v.

1. Collector of Central Excise
and Customs, Queen's Road,
Bangalore.

2. Shri S.K. Puranik,
Administrative Officer,
Asst. Collector of Customs,
Davanagere.

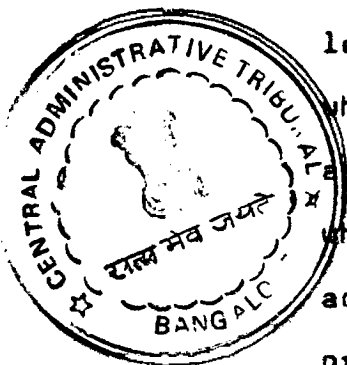
.... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.
for Shri M.S. Padmarajaiah)

This application having come up for hearing to-day,
Shri P. Srinivasan, Hon'ble Member (A) made the following:

ORDER

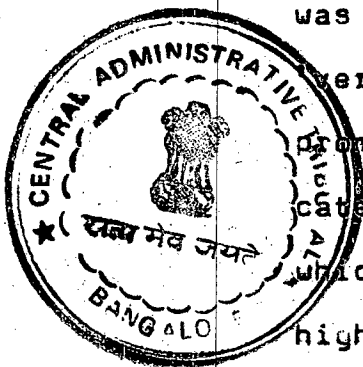
This application made under Section 19 of the Administrative Tribunals Act, 1985 has come up for hearing before us today. Shri Shantaram Sawant, learned counsel appeared for the applicant. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, who was present in the court sought for an adjournment as the case had to be argued by Shri M.S. Padmarajaiah who is unable to come to Court today. We are unable to accede to this request of Shri Rao and have therefore proceeded to hear the matter on merits.



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2. The applicant who was working as an Office Superintendent (OS) was promoted on ad hoc basis as Administrative Officer (AO) by an order dated 16.2.1987 and was posted at Belgaum. By a subsequent order dated 23.3.1988 he was reverted back to his old post of OS. He is aggrieved with this latter order.

3. The respondents have produced the relevant records which we have perused. We find that in the first instance the applicant and a certain S.K. Puranik who was next in the order of seniority to the applicant in the grade of OS were promoted to the post of AO on ad hoc basis by order dated 16.2.1987. Regular promotion had to be made to these posts and for this purpose a meeting of the Departmental Promotion Committee (DPC) was held on 16.3.1988. The said DPC considered the applicant as well as eight other persons for promotion. The applicant is a person belonging to a Scheduled Caste(SC) and there was a vacancy reserved for SC. Respondent-2 Shri S.K. Puranik who is also a person belonging to SC and who was next to the applicant in the seniority list of OS was graded 'very good' while the applicant himself was graded 'good'. One more candidate belonging to general category viz. Shri P. Balaraman whose seniority was next below that of Shri Puranik was also graded as 'very good'. The result was that the DPC recommended promotion on a regular basis of Shri Puranik in the SC category and of Shri Balaraman in the second vacancy which was a general one since both of them were given higher grading than the applicant though they were juniors to him. This necessitated the reversion of the



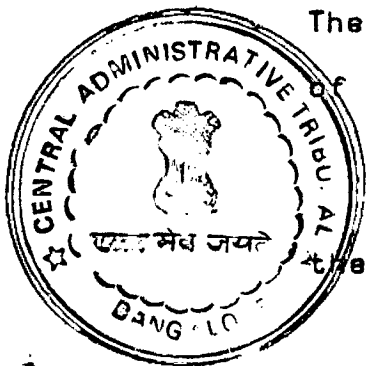
P. S. [Signature]

applicant. However, in a subsequent DPC held some time in December, 1988 the applicant's case was recommended for promotion and he was duly promoted as AO on a regular basis by order dated 23.12.1988.

4. Shri Sawant's submission was that even though the applicant has now been given promotion to the post of AO, he was denied the right of officiating in that post between 23.3.1988 and 23.12.1988 and thus his service in the higher grade has been interrupted. He submitted that the applicant should be treated as having officiated as AO continuously from 23.3.1988 to the date of his subsequent promotion without interruption.

5. The facts narrated by us above will clearly show that the reversion of the applicant by order dated 23.3.1988 was fully justified because his promotion in the first instance was on ad hoc basis and when regular promotion to that post was considered two persons who had better reports than him were preferred to the applicant. The reversion thus having been justified the contention of Shri Sawant cannot be accepted.

6. In the result the application is dismissed leaving the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN

11/1/89

TRUE COPY

Sd/-
MEMBER (A)

bsv/Mrv.

R. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE