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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO. 739/90

Mr. Laxman Sitaram Gunjal
UDC, Regional Provident Fund
Commissioner, Maharashtra and Goa,
341, Bhavishyanidhi Bhavan,
Bandra (E)-Mumbai-400051

.... Applicant

Vs.

Mr. M. Gurusamy,
Regional Provident Fund Commissioner,
Maharashtra and Goa, 341, Bhavishyanidhi Bhavan,
and two others.

.... Respondents

CORAM : HON'BLE SHRI P.S. CHAUDHURI, Member (A)

HON'BLE SHRI T.C. REDDY, Member (J)

Appearances

Mr. R. R. Dalvi, Adv,
for the applicant,

Mr. G. K. N. Nalkanth, Adv,
for the respondents.

ORAL JUDGMENT

DATED: 28.8.1991

(P.S. CHAUDHURI, M/A)

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 23.10.1990. In it the applicant who is working as UDC in the Regional Provident Fund Commissioner's office is challenging the order dated 24.2/1.3.1990 by ^{which the} penalty of censure has been imposed on him and consequent ^{al} reliefs.

2. The respondents ^{have their} filed written statement stating that the application has become infructuous as the impugned order of penalty has since ^{been} quashed and set aside.

3. We have heard Mr. R. R. Dalvi, learned counsel for the applicant and Mr. G. K. N. Nalkanth, learned Counsel for the respondents.

4. Mr. Dalvi does not dispute the fact that the impugned order of penalty has since been set aside. He submits that the only relief prayed for by the applicant ^{that he} is ~~now~~ ^{still} seeking is that he be considered ~~as~~ for ~~_____~~ further consequent promotion in his own ~~turn~~ as if the impugned order of penalty ~~had~~ never existed.

5. Since the impugned order of penalty has been set aside there is no doubt in our mind that the applicant is entitled to be considered for a consequential promotion in accordance with law as if impugned order had never existed or had never been passed against him.

6. In this view of the matter, ^{the} application deserves to be allowed.

7. We accordingly, direct the respondents to consider the applicant's case for promotion on the due date on the basis that ^{had} the impugned order of penalty never been passed against him. In the circumstances of the case there will be no orders as to costs.

T. C. Reddy
(T.C. REDDY)
M/J

P. S. Chaudhuri
(P. S. CHAUDHURI)
M/A